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Introduction

Background

The provisions of 1 CMC §2307 established the Interagency Audit Coordinating Advisory Group (Coordinating Group) consisting of the presiding officer and minority leader of each house of the Legislature, the Secretary of Finance, and the Special Assistant for Management and Budget. According to the law, the Coordinating Group is to review all audit reports of the Public Auditor, and the Public Auditor will discuss the manner in which audit recommendations can be implemented with the assistance of the members of the Coordinating Group. The Coordinating Group shall also recommend to the Governor and to the Legislature any changes in laws or regulations which it finds necessary or desirable as a result of its work with the Public Auditor.

The Coordinating Group has not met since 2000, however, OPA continues to issue follow-up letters semi-annually to agencies with outstanding recommendations requesting for information on actions taken to address its recommendations. Additional telephone follow-up procedures are also conducted to encourage agencies to respond to OPA's follow-up letters. Moreover, meetings are held when requested by agencies to discuss and clarify actions required to address OPA's recommendations.

This report incorporates agency responses to follow-up letters received or documents obtained by OPA on or before June 20, 2007. In accordance with statutory restrictions in the Auditing and Ethics Acts, the names of individuals and entities in the audits are not disclosed in this report.

Audit Recommendations Tracking System

OPA maintains an audit recommendations tracking system to monitor implementation and resolution of OPA audit recommendations. Recommendations issued by Independent Auditors are also included in the tracking system for information purposes.

OPA Recommendations - Open and resolved audit recommendations are included in OPA's tracking report. In addition, we have also included recommendations which were closed during the past six months. An *open* recommendation is one where no action or plan of action has been made, or no time frame for the plan of action has been provided by the client (department or agency). A *resolved* recommendation is one in which OPA is satisfied that the client cannot take immediate action, but has established a reasonable plan and time frame for action. A *closed* recommendation is one in which the client has taken sufficient action to meet the intent of the recommendation or we have withdrawn it. Also, we have considered open or resolved recommendations as *delinquent* if the recommendation has been outstanding for at least 180 days and we have not been informed by the

concerned agency or department of any action being taken to close the recommendations.

Independent Auditors Recommendations - We have also included in this report recommendations issued by private Certified Public Accountant (CPA) firms. OPA is not responsible for tracking the implementation of these recommendations, however, they are included in the audit tracking report for information purposes. Because OPA is responsible for overseeing all audits of the CNMI government, follow-up procedures are also conducted for these recommendations to determine what actions have been taken by the individual agencies to implement the recommendations issued by private CPA firms. A copy of the agencies' responses is subsequently provided to the Independent Auditor who conducted the audit to determine whether the agencies' responses are sufficient to consider the recommendations resolved. Based on the classification followed by private CPA firms, a recommendation is described as either *resolved* or *unresolved*.

Status of Audit Recommendations



OPA tracked a total of 79 audit recommendations in 2006. Of the 79 audit recommendations, 19 were closed and 60 remained either open or resolved. Of the 60 open or resolved recommendations, 47 were considered delinquent.

The following table presents a comparative schedule of the status of OPA's audit recommendations for calendar years 2004, 2005 and 2006.

Status of Audit Recommendations	2004	2005	2006
Total Recommendations Tracked for the Year	67	84	79
Less: Closed Recommendations	(15)	(5)	(19)
Outstanding Recommendations, End of Year (Open or Resolved)	52	79	60
Number of Delinquent Recommendations	30	46	47

OPA closed 19 or 24% of the 79 audit recommendations it tracked in 2006. The number of closed recommendations also increased from 5 in 2005 to 19 in 2006. The number of delinquent recommendations slightly increased by 2%. Although not reflected in the above table, the number of delinquent recommendations decreased by 28% during the first six months of 2006.

These positive results were attributable in part to the efforts of the Governor's Office, and in particular, the Special Legal Counsel to the Governor, for their initiative in encouraging agencies to respond to OPA on their outstanding recommendations. The initiative taken by the Governor's Office has resulted in the significant closure of recommendations. Although the number of delinquent recommendations as of December 31, 2006 slightly increased by 2%, the number of delinquent recommendations during the first six months of 2006 decreased by 28%. Closing recommendations where action has been taken will help OPA streamline the process, as well as improve the efficiency and effectiveness of the CNMI government.

Independent Auditor's Report

OPA has included in the tracking report a total of 119 recommendations from 9 recent audit reports released by private CPA firms under contract by OPA.

OPA would like to recognize Marianas Visitors Authority (MVA) for having no reportable audit finding in its Annual Financial and Compliance audit report for fiscal year ended September 30, 2006 conducted by a private CPA firm. This is noteworthy accomplishment for MVA and OPA appreciates the dedication and hard work carried out by MVA in improving its operation and eliminating the repetition of prior year audit findings.

Other OPA Reports

OPA issued four special reports in 2006:

January 13, 2006 - OPA's analysis of the proposed desalination project and related matters initiated by the Commonwealth Utilities Corporation (CUC) revealed that there were multiple and serious violations of the CUC Procurement Regulations. It further showed that CUC's Management and Board of Directors did not take prudent and responsible management action during the procurement process resulting in a waste of both human and financial assets of CUC.

April 24, 2006 - OPA's review and analyses of the \$60 million bond appropriations and uses showed that the bond proceeds and interest income was over appropriated.

November 7, 2006 - OPA's evaluation of the Legislative Bureau's operations during the Fourteenth Northern Marianas Commonwealth Legislature showed various opportunities to improve efficiency, effectiveness and accountability in the administrative processes utilized by the Legislative Bureau and the Legislature relating to personnel management, procurement of goods and services, property control, and travel. Accordingly, OPA made suggestions and alternative systems for consideration by the Legislative Bureau and the Legislature.

November 24, 2006 - OPA's review of the Marianas Public Land Trust's expenditures for FY 2002 through FY 2004 showed significant expenditures for board compensation totaling \$297,920, and travel totaling in excess of \$500,000 for the three year period. Based on its review, OPA also believes that the fees paid to the Executive Director for administrative services of MPLT performed the review period were excessive. Further, in FY 2003, the Trustees increased their meeting fee rates to \$300 a day and paid themselves \$300 for meetings lasting four or more hours and \$150 for those lasting less than four. This increase was made retroactive from October 30, 2002 to November 13, 2001. Further, the number of board meetings held during the three years reviewed appeared to increase significantly subsequent to the increase in meeting fees.

OPA also issued three procurement determinations in 2006. The three determinations all involved appeals to OPA as follows:

- OPA granted the appeal filed by a party from the denial of a protest by the Director of the Division of Procurement and Supply regarding Northern Marianas Housing Corporation's procurement of a copier machine.
- OPA issued a decision denying the appeal of a losing bidder for Public School System's solicitation of cleaning services for various schools in the CNMI.
- OPA affirmed the decision of the Director of Procurement and Supply to deny the protest of a contractor who was not selected for constructing additional classrooms at the Rota Junior High School.

Closed Recommendations

An analysis of the 19 closed recommendations for 2006 showed that 14 were closed because the agencies either implemented OPA's recommendations, drafted policies and procedures or issued memoranda and directives in order to re-emphasize the need to comply with existing regulations. OPA also closed 4 recommendations due to certain expenditure accounts earlier reviewed by OPA being ceased and no longer authorized and the suspension of a federal program and medical referral allowance making earlier recommendations issued as now inapplicable. A recommendation was also closed due to alternative actions taken by the agency which OPA considered sufficient to close the recommendation.

Delinquent Recommendations

Delinquent recommendations slightly increased by 1 (2%) from 46 in 2005 to 47 in 2006.

Year	2004	2005	2006
1995	6	4	6
1996	2	1	2
1997	3	3	5
1998	1	1	2
1999	2	3	3
2000	10	7	6
2001	5	3	3
2002	0	2	2
2003	7	8	3
2005		14	15
Total	30	46	47

Table 1 - Delinquent Recommendations

Below is an aging of the 47 delinquent recommendations issued in calendar years 1995 through 2006:

Agency to Act	1995	1996	1997	1998	1999	2000	2001	2002	2003	2005	Total
1. Attorney General's Office	4	1	3	1	3	3	1	2	1	2	21
2. Department of Finance	1	1	2	1						5	10
3. Department of Public Lands	1					2				1	4
4. Northern Marianas Retirement Fund						1	2			1	4
5. Northern Marianas College									2	1	3
6. Commonwealth Ports Authority										1	1
7. Commonwealth Utilities Corporation										1	1
8. Department of Public Safety										2	2
9. Public School System										1	1
Number of Delinquent Recommendations	6	2	5	2	3	6	3	2	3	15	47

AGO Action Needed for Recovery of Approximately \$2,735,557

As of December 31, 2006, recommendations in 13 audit reports were referred to the Attorney General's Office (AGO) for legal action to recover monies improperly expended. On February 7, 2007, OPA requested for a meeting between the AGO and OPA to discuss these referrals. OPA did not get a response to its request, and as such, the status of these referrals remain unchanged from the previous report as of June 30, 2006.

The following table presents a listing of AGO referral recommendations involving recovery of funds in which approximately \$2,735,557 is potentially recoverable.

	Report No. (Issue Date)	Particulars	Amount Recoverable	Status per AGO
1	AR-99-03 (4-7-99)	TCGCC - Legal action to recover overpayment of \$543,375 from the consultant on grounds of unjust enrichment, conversion, fraud and breach of fiduciary duty and recovery of \$195,971 from three other individuals for breach of fiduciary trust for total amount recoverable of \$739,346.	\$739,346	AGO is researching legal issues that have arisen in the pending suit and will follow-up on this matter with TCGCC's legal counsel. In January 2005, AGO requested information from DOF regarding payments made to the Gaming Commission and other entities.
2	AR-02-02 (9/11/02)	TCGCC - Audit of Travel Transactions for fiscal years 1996 - 2001. The potential recovery amount for outstanding advances of \$406,925 was reduced by \$14,672 and \$75 leaving a balance of \$392,178 to be recovered	392,178	AGO is currently researching standing issues related to the collection of the debt.
3	AR-99-04 (10-28-99)	CNMI - Overpayments of professional services contracts. Balance of overpayments totaling \$1,315,102 re-directed to AGO of which \$8,302 is immediately recoverable and \$1,306,800 is recoverable unless adequately supported.	1,315,102	AGO requested to pursue collection of overpayments on 6/2/05.
4	AR-00-01 (4-13-00)	DPW - Recovery of \$164,534 in improper payments made to a surveying contractor and adverse action against contractor for misrepresentation relating to the Tinian road resurfacing project in 1997. Pursuant to a decision issued by the United States District Court, amount recoverable from the contractor is reduced to	100,000	AGO stated that enforcement of the federal court order of restitution should be the responsibility of the U.S. Attorney's Office. Accordingly, the AGO plans to request enforcement by that office.

Report No. (Issue Date)	Particulars	Amount Recoverable	Status per AGO
	\$100,000 in restitution.		
5 AR-98-06 (12-14-98)	DOF - Funds misused by the former Secretary of Finance during fiscal years 1995 to 1997.	75,000	A civil case against the defendant is still pending for the recovery of funds.
6 AR-97-06 (4-23-97)	DPH - Improper payments made by former RHC Director for repairs and non-existent lease extensions possibly paid out of the Rota imprest fund account.	9,000	AGO requested to review case and inform OPA whether or not it plans to pursue this case.
7 AR-97-06 (4-23-97)	DPH - Rota Health Center (RHC) - Recovery from the former RHC Director of amount taken from RHC funds and reimbursement for cost of a washing machine for the period December 1993 to March 1996.	4,982	AGO informed OPA that although this referral case was previously closed on 9/5/02, the AGO plans to contact OPA for verification of records.
8 AR-96-05 (3-21-96)	MPLA - Recovery of rentals due from a restaurant and recovery from a lessor of all payments collected from a sublessee for the subleasing of the Saipan Fishing Center building as of October 31, 1995.	Unknown.	According to AGO, OPA agreed to do follow-up investigation as agreed in a meeting between AGO and OPA on 10/19/99. Upon further review, it was determined that additional investigative work by OPA will not result in any changes to the findings and conclusions stated in the report. On 8/16/04, OPA forwarded to the AGO a copy of the audit report for AGO's review and action.
9 AR-95-18 (10-10-95)	MPLA - Double payment of travel expenses and overpaid per diem allowances to the former Executive Director for the period September 1992 to September 1994.	Unknown.	AGO should provide documents on conveyance of property for debt settlement of former Executive Director.
10 AR-95-17 (10/2/95)	CPA - Legal action to recover the remaining balance of \$40,131 for improper reimbursement from the board members.	40,131	AGO has adopted a policy to pursue all collection cases involving money owed to the government "in the public interest" until the CNMI Supreme Court rules to the contrary.
11 LT-01-07 (11/23/01)	CUC - Recover travel overpayments and questionable payment from current and	2,973	This case has been assigned to an Assistant Attorney General for

Report No. (Issue Date)	Particulars	Amount Recoverable	Status per AGO
	former Board Members.		evaluation and collection if appropriate.
12 AR-99-02 (3/29/99)	WRO - Recovery of the balance of a loan receivable made to a CNMI constituent by the former Washington Representative.	2,200	AGO to inform OPA on the results of its review.
13 AR-05-03 (8/12/05)	MHLO - Determine appropriate legal action to be taken to recover improper payments of housing allowances.	54,645	AGO to inform OPA on the results of its review and determination.
Total Amount Recoverable		\$2,735,557	

OPA also referred one audit report [AR-00-03] to the AGO to determine the propriety of the Commonwealth Ports Authority's practice of making advance payments of unused annual leave and salary, instead of complying with the provision in the employment contracts that payments will be made upon contract expiration. In addition, AGO was to review OPA's opinion regarding granting six designated officials 14 annual leave hours per pay period.

Another recommendation from Audit Report No. AR-05-03 was addressed to the AGO to issue a determination on whether recovery of funds for double benefits paid to a former Liaison Officer is appropriate and should be pursued.

OPA referred another recommendation from Audit Report No. AR-03-05 relating to OPA's audit of the monthly subsistence allowances provided to members of the Senate covering the six months ending June 30, 2002. AGO was requested to review and determine whether legislation should be introduced to grant the Senate authority for the subsistence allowance, to set the amount of the allowance, and to certify the allowance as a public purpose. OPA referred its concerns regarding the allowance to the AGO as OPA and the Senate are unable to reach an agreement to address the recommendation.

Potential Recovery of \$3.7 Million Hinges on Agencies' Actions

Recommendations in 8 audit reports identified potential recoveries due to unpaid rentals of land leases, uncollected labor processing fees, overpayments in professional services contracts and retirement benefits, and improper expenditures of public funds.

During its semi-annual follow-up process for the period covering July 2006 through December 2006, OPA received no new update on the status of recovery of funds by agencies included in the table below. As such, the status of these referrals remain unchanged from the previous report as of June 30, 2006.

Of the \$4,662,816 identified as potentially recoverable, \$950,289 has been partially recovered leaving a balance of \$3,712,527 still recoverable as of December 31, 2006 as shown in the following table.

Report No. (Issue Date)	Particulars	Amount Recoverable	Status per Agency
1 AR-00-04 (11-22-00)	Board of Marianas Public Lands Authority - Collection of rentals from 8 quarry operators for six lease years from 1990 to 1995 totaling \$4,690,708, less \$946,968 write-off for one bankrupt quarry operator resulting in an amount recoverable of \$3,743,740.	\$3,743,740	\$896,747 was recovered from seven quarry operators. Due to incomplete ledgers provided to OPA on 4/11/06, OPA was unable to ascertain total amount collected from Quarry Operator F as of April 2006.
2 AR-05-02 (6-6-05)	DOL - Audit of Controls Over the Nonresident Worker Application Process. Amount recoverable consists of uncollected fees of \$330,835 from Company A and \$181,575 from Company B.	512,410	The on-going investigation is nearly complete. The Secretary of Labor will keep OPA apprised of any new developments.
3 AR-00-03 (7-20-00)	CPA - NMIRF to recover improper payments to two former CPA officials for retirement benefits and compensatory time claimed.	126,730	Recoupment from the former CPA officials benefits will commence if and when re-employed by the government. For the other former CPA official, pursuant to a stipulation, the case will be returned to the administrative hearing process and a new Notice of Administrative Hearing will be issued.
4 AR-95-18 (10-10-95)	MPLA - Double payment of travel expenses and overpaid per diem allowances to the former Board Chairman, Tinian board member and Rota board member for the period September 1992 to September 1994. Amount recoverable from the former Rota Board member as of 3/26/04 is \$71,289.14 (principal plus interest); amount recoverable from the former Board Chairman as of 3/26/04 is \$27,743.74 (principal plus interest); and amount recoverable from the former Tinian Board member as of 6/7/04 is \$16,829.45 (principal only). Amount recoverable for the former Tinian Board Member was reduced to \$11,657 pursuant to a court order. Total amount recoverable from the three former board members is \$115,862.33.	110,690	\$20,400 partially recovered from the former Rota Board member and \$5,825 partially recovered from the former Board Chairman. On 9/29/06, OPA was provided a copy of the former Tinian Board member's account ledger showing that the Court Order in the amount of \$11,657 was fully paid as of 10/28/04. Due to discrepancies noted in the subsidiary ledgers provided to OPA on 4/11/006, OPA was unable to ascertain the total amount recovered from the two board members.
5 AR-97-05 (3-20-97)	CNMI - Promissory note for \$96,100 on overpayment of two professional services	96,100	Partial recovery of \$14,000 leaving a balance of \$81,900

Report No. (Issue Date)	Particulars	Amount Recoverable	Status per Agency
	contracts (Contract nos. C40113 and C50108) covering the period October 1, 1991 to July 20, 1995.		still to be recovered.
6 AR-98-06 (12-14-98)	DOF - Funds misused by the former Secretary of Finance from fiscal years 1995 to 1997. On 2/22/01, the Federal Court ordered the Secretary of Finance to pay \$56,462 in restitution.	56,462	\$1,125 partially recovered from the former Secretary of Finance.
7 AR-97-05 (3-20-97)	CNMI - Overpayment to contractors of four professional services contracts (Contract nos. C40276, C50083, C50132 & C50208) audited covering the period October 1, 1991 to July 20, 1995. Overpayments for C40276 totaling \$10,000 was fully recovered by OMB. Therefore, recovery of \$25,079 is reduced to \$15,079.	15,079	DOF is consulting with AGO as to the appropriate course of action(s) that can be taken considering lack of supporting documents and the statute of limitations on these claims.
8 AR-03-04 (3-10-03)	AGIU - Recovery of overpayments of per diem from three travelers involved.	1,605	Partial recovery of \$535.
Total Amount Recoverable		\$4,662,816	
Less: Partial Recoveries		(\$950,289)	
Balance of Amount Recoverable as of 6/30/06		\$3,712,527	

Executive Branch Offices

Office of the Governor
Office of the Attorney General
Department of Commerce
Department of Finance
Department of Labor
Department of Lands and Natural Resources
Department of Public Health
Department of Public Lands
Department of Public Safety
Office of Personnel Management

Office of the Governor

Report No. LT-00-01 issued February 16, 2000 Compilation of CNMI Government-Paid Travel For Fiscal Year 1997

Date(s) of followup letter(s) sent : 7/11/00 (GOV), 1/30/01, 8/22/01, 3/4/02, 8/12/02, 2/12/03, 8/4/03, 4/13/04, 9/28/04, 2/15/05, 3/7/06

Date(s) of response letter(s) received : 10/17/06

Recommendation 2 : Strictly enforce the requirement of not granting requested new travel advances to travelers with unliquidated travel advances, and the required sanction of payroll deduction for travelers who failed to timely file TVs. Travelers such as board members who are not part of the government payroll should be required to immediately repay the advances when a complete TV is not timely filed.

Agency to Act : Office of the Governor

Status : Closed

Agency Response : On 10/17/06, the acting Governor provided OPA a copy of the memorandum issued to all government employees, board members, and other travelers availing to government travel advances directing them to contact DOF and make arrangements to repay unliquidated travel advances paid for by the CNMI Government through DOF immediately. The memorandum further stated that the Secretary of Finance will not approve any travel authorization requests by travelers with unliquidated travel advances. The copy of the memorandum provided to OPA is sufficient to close this recommendation.

Office of the Attorney General

Report No. AR-95-17 issued October 2, 1995 Audit of Board-Related Transactions and Purchase of Vehicles for the Department of Public Works

Date(s) of followup letter(s) sent : 11/20/95 (CPA), 3/7/96, 12/5/96, 2/02/98, 9/18/98, 11/22/99, 7/11/00, 1/17/01, 8/20/01, 3/5/02, 8/9/02, 10/3/02 (Re-directed to AGO), 2/14/03, 8/4/03, 10/27/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 3/27/96 (CPA), 12/24/96, 3/27/99, 10/12/01, 1/29/02, 8/21/02 (CPA request for extension), 8/30/02, 9/15/03 (AGO), 10/31/03, 4/30/04, 9/1/05

Recommendation 2 : *Original:* The CPA Board Chairman should recover the \$42,191 in improper reimbursements from the board members unless they can specifically identify the expenses as CPA official business and/or present supporting documents.

As Revised and Redirected to AGO: Determine appropriate legal action to be taken to pursue collection from the board members of the remaining balance of \$40,131 which was improperly reimbursed.

Agency to Act : Commonwealth Ports Authority - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : In his letter response dated 3/27/96, the former Board Chairman stated that out of the \$42,191 improper reimbursements, \$2,060 has been repaid (\$808.60 was offset against travel receivables and \$1,251.60 was directly paid to CPA), leaving a balance of \$40,131 still collectible.

On 10/12/01, the CPA Executive Director informed OPA that this matter was referred to AGO for review and action. AGO has yet to issue a determination on whether the recommendation should be pursued in court. CPA suggested that OPA ask AGO for a response in this matter.

In his response dated 8/30/02, the CPA Executive Director provided OPA with a copy of its referral letter to AGO dated 12/24/96.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.

In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all collection cases involving money owed to the government "in the public interest" until the CNMI Supreme Court rules to the contrary.

In her 9/1/05 response, the Attorney General stated that they are still unable to locate the original file on this referral case.

Additional Information or Action Required : AGO should inform OPA of the results of legal action taken to pursue collection from the board members for the remaining balance of \$40,131 which was improperly reimbursed.

Report No. AR-95-18 issued October 10, 1995
Division of Public Lands (DPL)
Audit of Credit Card and Related Travel Transactions

Date(s) of followup letter(s) sent : Verbal follow-ups made through the telephone, 11/29/96, 12/3/96, 2/20/97 (AGO), 11/20/97, 9/17/98 (AGO), 3/3/98 (AGO), 9/18/98 (DLNR), 11/23/99 (DLNR), 1/26/99, 1/5/00 (AGO), 7/6/00 (DPL), 7/12/00 (AGO), 1/17/01 (AGO), 1/24/01 (DLNR), 8/21/01 (AGO), 8/23/01 (OPL), 8/12/02 (MPLA) (AGO), 10/3/02 (AGO), 2/14/03 (AGO) (MPLA), 8/4/03 (MPLA) (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 4/23/04 (MPLA), 9/21/04 (AGO) (MPLA), 2/15/05 (AGO) (MPLA), 8/9/05 (AGO) (MPLA), 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 11/14/95, 6/27/96, 4/4/97 (AGO), 9/11/97, 4/20/08 (AGO), 3/17/99, 10/21/99 (DPL), 10/31/00 (meeting with Coordinating Group on DLNR), 11/7/00 (meeting with Coordinating Group on AGO), 2/8/01 (DPL), 2/22/01 (DPL), 3/9/01 (AGO), 8/30/01 (OPL), 9/28/01 (OPL), 2/12/02 (meeting with AGO), 3/6/02 (MPLA), 8/19/02 (MPLA), 3/10/03 (MPLA), 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 6/7/04 (MPLA), 9/1/05 (AGO)

Recommendation 1 : *Original:* -The Secretary of DLNR should require the cardholders to reimburse the Marianas Public Land Corporation (MPLC) for all the unallowable and unsupported credit card charges, unless they can specifically relate the charges to MPLC official business and present supporting documents. If necessary, the Secretary of DLNR and the Director of DPL should seek the assistance of the Attorney General to recover the personal, unallowable, and unsupported credit card charges from the cardholders.

As Revised and Redirected to the Attorney General's Office: The Attorney General should take appropriate action to recover the personal, unallowable, and unsupported credit card charges from the cardholders.

Agency to Act : Attorney General's Office

Status : Resolved - Delinquent

Agency Response : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required : The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

Recommendation 2 : *Original:* The Secretary of DLNR should recover from the cardholders the amount of \$45,698.

As Revised and Redirected to the Attorney General's Office: The Attorney General's Office should take appropriate action to recover the amount of \$45,698 from the cardholders.

Agency to Act : Attorney General's Office

Status : Resolved - Delinquent

Agency Response : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required : The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

Recommendation 4 : *Original:* The Secretary of DLNR should review and evaluate whether charges for official representation expenses were properly chargeable to MPLC, and recover improper charges from the former Executive Director.

Agency to Act : Attorney General's Office

Status : Resolved - Delinquent

Agency Response : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required : The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

Report No. AR-96-05 issued March 21, 1996
Division of Public Lands
Audit of the Saipan Fishing Center and the Lease of the Garapan Fishing Base

Date(s) of followup letter(s) sent : 12/4/96, 11/20/97, 3/3/98 (AGO), 9/17/98, 11/23/99, 1/26/99, 1/5/00, 7/12/00, 1/17/01, 8/21/01, 8/12/02, 10/3/02, 2/14/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/05, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 4/4/97 (AGO), 9/11/97, 3/10/98, 4/20/98, 1/20/00, 11/7/00 (meeting with Coordinating Group on AGO), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 9/15/03 (AGO), 4/30/04, 9/1/05

Recommendation I : *Original:* - The Secretary of DLNR should terminate Corporation A's lease of the Garapan Fishing Base and instruct the DPL Legal Counsel to: (a) initiate legal proceedings to collect rentals due from Corporation A and Restaurant A, (b) recover from the former President of Corporation B all payments collected from Corporation C for the unauthorized subleasing of the Saipan Fishing Center building, as well as any rentals collected from the operators of Restaurant B, and (c) notify Restaurant A to pay rentals directly to DPL on a month-to-month basis.

As Revised and Redirected to the Attorney General's Office: The Attorney General's Office should: (a) initiate legal proceedings to collect rentals due from Corporation A and Restaurant A, (b) recover from the former President of Corporation B all payments collected from Corporation C for the unauthorized subleasing of the Saipan Fishing Center building, as well as any rentals collected from the operators of Restaurant B, and (c) notify Restaurant A to pay rentals directly to DPL on a month-to-month basis.

Agency to Act : Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On March 10, 1998, the Attorney General's Office provided OPA documents showing collection of the \$338,910.63 representing rentals due from Corporation A. However, the Attorney General's Office is still considering whether to bring action against Restaurant A and against the former President of Corporation B. In view of this, OPA closed only the portion of the recommendation pertaining to Corporation A.

In his 3/9/01 response, the Acting Attorney General stated that liability in this case is clear, as the purchasing corporation signed a "promise to pay" reasonable value for use of public lands. Prospects for recovery need to be fully explored to determine if the case truly has merit.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring specific actions to be taken by AGO.

In his response dated 9/15/03, the Acting Attorney General stated that a settlement agreement was reached in September 1997 and that the AGO will forward a copy of the settlement agreement to OPA upon written request. On 11/7/03, OPA issued a written request to the AGO requesting a copy of the settlement agreement. On 11/12/03, OPA received a copy of the settlement agreement from the AGO. Upon further review, OPA determined that the settlement agreement pertained to rentals due from Corporation A which was already considered closed by OPA.

In his response dated 4/30/04, the Deputy Attorney General stated that AGO and OPA met on this matter on 10/19/99 and that OPA agreed to do "follow-up" investigation and provide a memorandum to AGO. Upon further review, it was determined that additional investigative work will not result in any changes to the findings and conclusions stated in our report. Accordingly, OPA will leave it to the discretion of the AGO to determine what course of action will be appropriate to address our recommendation. On 8/16/04, OPA provide AGO with a copy of the audit report on this matter for review and action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required**

To address the other portions of the recommendation, AGO should provide OPA with results of their review and actions to be taken against Restaurant A and against the former President of Corporation B.

**Report No. AR-97-06 issued April 23, 1997
Rota Health Center (RHC) Director's Claims Against the RHC**

Date(s) of followup letter(s) sent : 6/23/97, 7/16/97, 2/02/98, 9/17/98 (DOF), 9/21/98 (RMO), 11/23/99 (DOF), 11/29/99 (RMO), 7/6/00 (RMO), 7/13/00 (DOF), 1/17/01 (Re-directed to AGO), 1/19/01 (DOF), 8/21/01 (AGO) (DOF), 2/14/02 (AGO), 3/12/02 (DOF), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 4/14/04 (DOF), 9/21/04 (AGO), 9/28/04 (DOF), 2/15/05 (AGO) (DOF), 8/9/05 (AGO), 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 6/16/97 (RMO), 2/24/98 (RMO), 7/19/00 (RMO), 11/17/00 (DOF), 11/21/00 (meeting with Coordinating Group on DOF), 11/27/00 (DOF), 3/9/01 (AGO), 9/18/01 (DOF), 2/12/02 (meeting with AGO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 9/1/05 (AGO)

Recommendation I : *Original:* The Secretary of Finance should require the current Director of RHC to return the amount of \$4,282.02 taken from RHC funds.

As Revised and Redirected to AGO: Determine appropriate legal action to be taken to recover from the current Director of RHC the \$4,282.02 taken from RHC funds.

Agency to Act : Department of Finance - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : During the 11/21/00 meeting with the Coordinating Group, the DOF Secretary provided OPA a bill of collection dated 11/17/00 for \$4,982.02 sent to the current Director of RHC which consists of \$4,282.02 taken from RHC funds and \$700 reimbursement for the cost of the washing machine. On 11/27/00, DOF referred the matter to the AGO to possibly pursue collection through legal proceedings. In his 3/9/01 response, the Acting Attorney General requested a copy of the report for further review purposes.

During a meeting on 2/12/02, AGO informed OPA that the Statute of Limitations has passed regarding this recommendation. In a follow-up letter dated 2/14/02, OPA requested AGO to provide a letter documenting the applicability of the Statute of Limitations to formally close this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.

In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all such cases until the CNMI Supreme Court rules to the contrary.

In his 10/25/04 response, the Acting Attorney General informed OPA that although this referral case was previously closed on 9/5/02, the AGO plans to contact OPA for verification of records.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required** :

AGO should follow-up with OPA regarding the file and advise OPA of the results of legal action taken on this referral recommendation.

Recommendation 2 :

Original: The Secretary of Finance should deny the \$5,000 claim for repairs, and the \$4,000 amount claimed for a non-existent lease extension.

As Revised and Redirected to AGO: Determine whether this referral case should be pursued. If the AGO decides to pursue this case, the AGO should instruct the Resident Director of Finance to verify whether the \$5,000 claim for repairs and \$4,000 claim for a non-existent lease extension were paid out of the Rota Imprest Fund account. If the claims were indeed paid out of the Rota Imprest Fund account, the AGO should determine appropriate legal action to be taken to recover funds improperly paid.

Agency to Act :

Department of Finance - Redirected to the Attorney General's Office

Status :

Resolved - Delinquent

Agency Response :

The former Secretary of Finance provided OPA a copy of its 9/18/01 letter to the Acting Resident Director of DOF-Rota requesting assistance in verifying whether or not the \$5,000 claim for repairs and the \$4,000 claim for a non-existent lease extension were paid through the Rota Imprest Fund Account.

In his 4/12/02 response, the current Secretary of Finance informed OPA that his office has not received a response to its 9/18/01 letter to the Acting Resident Director of DOF-Rota. However, DOF has sent a follow-up letter to the Mayor requesting assistance on the matter.

On 3/18/05, the Secretary of Finance informed OPA that no response has been received from either the Resident Director of Finance or the Mayor of Rota. The Secretary of Finance further stated that DOF was unable to confirm whether or not the payments in question were made to the vendor nor confirm any information through the DOF financial management system since these transactions were initiated before the system change in 1997. The Secretary of Finance requested that OPA refer this matter to the AGO. On 6/2/05, OPA referred this matter to the AGO for their review and legal action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required** :

AGO should inform OPA whether or not it plans to pursue this case. If AGO decides to pursue this case, AGO should instruct the Resident Director of Finance to verify whether the \$5,000 claim for repairs and \$4,000 claim for a non-existent lease extension were paid out of the Rota Imprest Fund account. If the claims were indeed paid out of the Rota Imprest Fund account, AGO should determine appropriate legal action to be taken to recover funds improperly paid.

Recommendation 4 :

Original: The Secretary of Finance should deny the claim of the Director of RHC for reimbursement of the cost of the washing machine.

As Revised and Redirected to AGO: Determine appropriate legal action to be taken to recover the \$700 reimbursement for the cost of the washing machine.

Agency to Act :

Department of Finance - Redirected to the Attorney General's Office

Status :

Resolved - Delinquent

- Agency Response** : During the 11/21/00 meeting with the Coordinating Group, the DOF Secretary provided OPA a bill of collection dated 11/17/00 for \$4,982.02 sent to the current Director of RHC which consists of \$4,282.02 taken from RHC funds and \$700 reimbursement for the cost of the washing machine. On 11/27/00, DOF referred the matter to the AGO to possibly pursue collection through legal proceedings. In his 3/9/01 response, the Acting Attorney General requested a copy of the report for further review purposes.
- During a meeting on 2/12/02, AGO informed OPA that the Statute of Limitations has passed on this recommendation. In a follow-up letter dated 2/14/02, OPA requested AGO to provide a letter documenting the applicability of the Statute of Limitations to formally close this recommendation.
- In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.
- In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all such cases until the CNMI Supreme Court rules to the contrary.
- In his 10/25/04 response, the Acting Attorney General informed OPA that although this referral case was closed on 9/5/02, the AGO plans to contact OPA for verification of records.
- In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.
- Additional Information or Action Required** : AGO should follow-up with OPA regarding the file and advise OPA of the results of legal action taken on this referral recommendation.

Report No. AR-98-06 issued December 14, 1998
Department of Finance
Audit of Misuse of Funds by the Former Secretary of Finance
Fiscal Years 1995, 1996, and 1997

- Date(s) of followup letter(s) sent : 11/23/99 (DOF), 1/26/99, 1/5/00 (AGO), 1/17/01 (AGO), 8/21/01 (AGO), 2/14/02 (AGO), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 4/13/04 (AGO), 4/14/04 (DOF), 9/21/04 (AGO), 9/28/04 (DOF), 2/15/05 (DOF) (AGO), 8/8/05 (DOF), 8/9/05 (AGO), 3/10/06, 9/26/06, 2/7/07
- Date(s) of response letter(s) received : 1/20/00 (AGO), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 3/31/05 (DOF), 9/1/05 (AGO), 4/18/06 (DOF), 9/11/06 (AGO)

- Recommendation I** : *As Revised:* DOF should provide OPA documents showing recovery of the \$56,461.98 in restitution on the federal case. In addition, AGO should take further legal action against the former Secretary for misappropriation and improper expenditure of public funds.
- Agency to Act** : Department of Finance / Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On 2/22/01, the Federal Court sentenced the former Finance Secretary to 33 months imprisonment and ordered payment of \$56,461.98 in restitution to the court for disbursement to the CNMI Department of Finance.

In his 3/9/01 response, the Acting Attorney General stated that AGO waited until the federal crime case concluded since one count in the case was covered by AGO's case. The former Secretary was ordered to pay restitution in the federal case, thereby reducing the maximum potential judgment. AGO will make a Motion for Summary Judgment and will still seek a judgment of approximately \$75,000 against the former Secretary of Finance for misappropriation and improper expenditure of public funds.

During the 2/12/02 meeting, AGO informed OPA that it will file a Motion for Summary Judgement in the civil action filed against the former Secretary of Finance. In a follow-up letter to AGO dated 2/14/02, OPA compiled a list of its referrals for AGO to prioritize for action. The list included this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that this case has been forwarded to the AGO's collection team (an in house team assembled to collect debts owed the government that are over the statutory limit for small claims) and the matter is still pending.

In his 10/25/04 response, the Acting Attorney General stated that the civil case against the defendant is still pending for the recovery of funds.

In a response letter dated 3/18/05, the Secretary of Finance stated that the defendant has not made any payments towards his restitution obligation to the CNMI government to date. On 3/31/05, OPA was provided a copy of the letter received from the U.S. Attorney of the District of Guam to the Secretary of Finance informing him that the former Secretary of Finance's assigned U.S. Probation Officer will be setting a payment schedule to dispose of his restitution obligation after July 2005. The U.S. Attorney of the District of Guam will be notifying the Secretary of Finance once the payment plan is established.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

In his letter response dated 4/18/06, the Secretary of Finance provided OPA with a copy of the letter from the US Attorney's District Office on Guam advising OPA of the payment plan the former secretary will be making to the Government. OPA was also provided with a summary of all payments made by the former secretary owed to the government to date. The US Attorney's District Office has been notified that the former secretary has agreed to make monthly payments in the amount of \$100 effective 8/1/05. Additionally, the letter stated that a balance still remains towards the former secretary's imposed assessment fee and that any payments will first be applied to it until it is paid off.

In her response dated 9/11/06, the Assistant Attorney General informed OPA that the former Secretary of Finance has paid \$1,125 towards his restitution obligation as of August 2006. Therefore, a balance of \$55,336.98 is still recoverable from the former Secretary of Finance.

Additional Information or Action Required : DOF should provide OPA proof of collection of the \$56,461.98 restitution in the federal case. In addition, AGO should also provide OPA with copies of any judgement issued.

Report No. AR-99-02 issued March 29, 1999
Verification of Expenses and Review of Selected Administrative
Practices of the Washington Representative's Office
Fiscal Years 1995 and 1996

Date(s) of followup letter(s) sent : 11/29/99 (DOF), 7/11/00, 1/24/01, 8/22/01, 3/4/02, 8/9/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05, 3/13/06, 4/28/06 (Re-directed to AGO), 9/26/06 (AGO), 2/7/07

Date(s) of response letter(s) received : 10/6/99, 9/25/01, 3/20/02, 8/12/02, 8/21/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 3/29/06 (DOF request for extension), 4/18/06 (DOF)

Recommendation 15 : *Original:* The Washington Representative should continue his efforts to collect the outstanding loans until such time as he is assured that any further collection efforts would be futile. At that time, the loan documentation should be turned over to the Department of Finance in Saipan for further action. If the obligations are collected, the amount should be returned to the CNMI General Fund.

As Revised and Redirected to DOF: DOF should determine the current status of the loan receivable from the former Resident Representative.

As Revised and Redirected to AGO: AGO should determine appropriate legal action to be taken to recover the \$2,200 reimbursement for the loan receivable from the former Resident Representative.

Agency to Act : Washington Representative's Office - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : In the 9/25/01 response from WRO, it was stated that the \$1,080 loan was fully paid. OPA was provided copies of the official cash receipt and a check for \$50.25 evidencing final payment representing the balance on the employee loan of \$1,080. This portion of the recommendation pertaining to the \$1,080 employee loan is considered closed.

For the \$2,500 loan, the former Resident Representative has entered into an agreement with DOF to make monthly payments in the amount of \$100. The Resident Representative has made three payments totaling \$300 leaving a balance still collectible of \$2,200. OPA was provided copies of the official receipts and checks evidencing payments made of \$300 and a copy of the promissory note for the \$2,500 loan.

In his 3/20/02 response, the current Resident Representative sought the advice of OPA on how to go about collecting the loan made by the former Resident Representative.

In his 8/12/02 response, the Resident Representative suggested that OPA redirect the recommendation to DOF as his office is not involved in the repayment of the loan. On 8/28/02, OPA issued a letter to the Secretary of Finance requesting the current status of the loan receivable.

In his letter dated 3/18/05, the Secretary of Finance stated that the Director of Finance and Accounting had issued a letter to the former Washington Representative on 2/7/03 requesting verification on the total amount already paid pursuant to the audit. DOF has not received a response from the former Washington Representative. DOF will be sending another letter concerning the outstanding balance. DOF will be updating OPA on the status of the outstanding balance upon receipt of a response to their latest letter.

In his letter response dated 4/18/06, the Secretary of Finance informed OPA that the current balance of the loan receivable is \$2,200. He stated that they have not received any additional payments from the former Washington Representative since their last update. The Secretary provided OPA with a copy of the last notice sent out regarding this matter. On 4/28/06, OPA forwarded this to the AGO requesting that they pursue recovery of the remaining balance due from the former Washington Representative.

Additional Information or Action Required : The AGO should inform OPA of their progress in their attempt to recover the remaining balance due from the former Washington Representative.

Report No. AR-99-03 issued April 7, 1999
Audit of Consultant's Contract
Fiscal Year 1997

Date(s) of followup letter(s) sent : 1/5/00 (AGO), 7/12/00, 1/17/01, 8/21/01, 8/12/02, 10/3/02, 2/14/03, 8/4/03, 10/27/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 4/9/99 (TMO), 1/20/00 (AGO), 11/7/00 (meeting with Coordinating Group on AGO), 3/9/01 (AGO), 12/31/01, 2/12/02 (meeting with AGO), 9/15/03 (AGO), 10/31/03, 4/30/04, 10/25/04, 9/1/05

Recommendation I : *Original* - The Mayor of Tinian and Aguiguan should request the Attorney General to institute an action to declare the Consulting Service Agreement between TCGCC and the consultant null and void, and to recover all amounts paid by TCGCC to the consultant and the consultant's son.

As Redirected to AGO - Institute legal action to declare the Consulting Service Agreement between TCGCC and the consultant null and void, and to recover all amounts paid by TCGCC to the consultant and the consultant's son.

Agency to Act : Attorney General's Office

Status : Resolved - Delinquent

Agency Response : In his 3/9/01 response, the Acting Attorney General informed OPA that there is an ongoing investigation related to the facts and circumstances of this matter.

On December 31, 2001, civil action was filed against the consultant to recover overpayment of \$543,375 on grounds of unjust enrichment, conversion, fraud and breach of fiduciary duty. Civil action was also filed against three other individuals to recover \$195,971 for breach of fiduciary trust. Recoverable amounts totaled \$739,346.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring specific actions to be taken by AGO.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral.

On 4/30/04, the Deputy Attorney General informed OPA that a request for Declaratory and Injunctive relief is currently pending in the CNMI Superior Court.

In his response dated 10/25/04, the Acting Attorney General informed OPA that the AGO is researching legal issues that have arisen in the pending suit and will follow-up on this matter with TCGCC's legal counsel.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case. The Attorney General further stated that a memo from an Acting Attorney General dated 3/23/05 indicated that DOF was contacted in January 2005 requesting documentation of payments made to the Gaming Commission and payments made to other entities. She also stated that the case is still pending as the DOF is still trying to locate the documents.

**Additional Information
or Action Required**

: The AGO should inform OPA of the result of its follow-up with TCGCC's legal counsel and any changes in any pending civil actions.

**Report No. AR-99-04 issued October 28, 1999
Executive Branch of the CNMI Government
Audit of Professional Service Contracts
From October 1, 1995 to May 4, 1998**

Date(s) of followup letter(s) sent : 11/23/99 (DOF), 11/26/99 (TMO), 1/5/00 (AGO), 7/12/00 (AGO), 7/13/00 (DOF), 1/17/01 (AGO), 1/19/01 (DOF), 8/21/01 (DOF) (AGO), 2/14/02 (AGO), 3/12/02 (DOF), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 4/14/04 (DOF), 9/28/04 (DOF), 2/15/05 (DOF), 8/9/05 (Re-directed to AGO), 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 1/12/00 (GOV), 1/20/00 (AGO), 2/18/00 (DOF), 11/7/00 (meeting with Coordinating Group on AGO), 11/9/00 (DOF), 11/19/00 (DOF), 11/21/00 (meeting with Coordinating Group on DOF), 1/14/01 (DOF), 3/9/01 (AGO), 5/01 (DOF), 10/01/01 (DOF), 2/12/02 (meeting with AGO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 10/21/03 (AGO), 10/22/03 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 9/1/05 (AGO)

Recommendation 7 : *Original:* Issue a memorandum instructing the DOF - Accounting Section to recover the nearly \$1.49 million in overpayments by requesting contractors to return the amounts overpaid. Of these amounts, \$87,096.02 is immediately recoverable and \$1,400,955.91 is recoverable unless adequately supported by the contractors. If a contractor refuses to cooperate or repay the funds, the matter should be referred to the AGO for legal action.

Of the \$87,096.02 which is immediately recoverable: \$61,794.07 has already been recovered (C50305, C60114 and C60142); \$6,000 will not be pursued (C60334); and \$11,000 has been redirected to the AGO leaving a balance of \$8,301.95 immediately recoverable [\$1,320.94 for C60196, \$2,426.25 for C70156, \$3,619.66 for C50388, and \$935 for C60355].

Of the \$1,400,955.91 recoverable unless adequately supported, \$94,156.41 was substantiated by invoices and receipts by the contractor for C60114 and C50305 leaving a balance of \$1,306,799.50 still recoverable unless adequately supported [\$1,199,316.56 for C50388 and 31075-OC; \$65,182.12 for C60323, C60373, C70091, C70179 and 300082-OC; and \$42,300.82 for C60196].

(Note: No further action required for contract nos. C50305, C60114, C60142, C70180, C70149, C60334).

As Revised and Redirected to AGO: Determine appropriate legal action to be taken to recover the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported.

Agency to Act : Department of Finance - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On 1/4/01, DOF provided OPA with copies of bills for collection dated 9/1/99 for the following contracts: Contract No. C60196 for \$1,320.94; Contract No. C70156 for \$2,426.25; Contract No. C50388 for \$1,619.66 (additional billing for \$2,000 still to be provided).

In the 10/1/01 response by DOF, the Secretary of Finance stated that the contractor for Contract no. C60355 has a claim against the CNMI for \$18,000. The CNMI refuses to pay the contractor's claim for lack of a change order. DOF is planning to charge the \$935 against the amount claimed by the contractor. For Contract no. C50388, DOF claims that the additional billing of \$2,000 to be provided to OPA is already included in the \$1.4 million which is separately recoverable. OPA looked into DOF's claim and ascertained that the \$2,000 was not included in the \$1.4 million. In addition, DOF is verifying all documents which were identified in the \$1.4 million as recoverable unless adequately supported. DOF provided OPA letters to three contractors requesting supporting documents for invoice under Contract nos. C50388, C31075, C60323, C60373, C70091, C70179, 300082-OC and C60196. DOF will inform OPA of any responses.

In his 4/12/02 response, the Secretary of Finance informed OPA that DOF has sent out notices to four contractors. One contractor responded. Two of the notices were returned undelivered and one contractor replied asking for a more reasonable request given the amount of information and length of time that has elapsed.

On 3/18/05, the Secretary of Finance provided OPA a copy of the invoices and receipts to substantiate payments made for C60114 and C50305 totaling \$94,156.41. Therefore, of the \$1,400,955.91 that is recoverable unless adequately supported, \$1,306,799.50 from three contractors remain to be recovered. The Secretary of Finance is requesting that OPA refer the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported to AGO given the time lapsed since the issuance of the bills for collections and letters requesting for supporting documents from the contractors with no response to date. On 6/2/05, OPA referred this matter to the AGO for their review and legal action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required :

AGO should inform OPA of the results of legal actions taken to pursue collection of the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported.

**Report No. AR-00-01 issued April 13, 2000
Audit of the Land Survey Contract
for the Tinian Road Resurfacing Project
Fiscal Year 1997**

Date(s) of followup letter(s) sent : 7/3/00 (DPW), 7/12/00 (AGO), 7/13/00 (DOF), 1/17/01 (Re-directed to AGO), 8/21/01, 2/14/02, 8/12/02, 10/3/02, 2/14/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 5/10/00 (DPW), 11/7/00 (meeting with Coordinating Group on AGO), 12/7/00 (meeting with Coordinating Group on DOF), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 9/15/03 (AGO), 4/30/04, 10/25/04, 9/1/05

Recommendation 5 : *Original:* DOF should continue to take necessary steps to recover the \$164,534 improper payments made to the contractor, unless restitution to the CNMI Government is made in the Federal Court mail fraud case. Recovery efforts should be coordinated with the Attorney General's Office. In implementing this recommendation, recovery of the whole contract price of \$229,438 on the basis that the contract was invalid may be undertaken in lieu of the approach taken above where recovery would be based on the overpayments made to the contractor.

As Redirected to AGO: AGO should continue to take necessary steps to recover the \$164,534 improper payments made to the contractor, unless restitution to the CNMI Government is made in the Federal Court mail fraud case. Recovery efforts should be coordinated with the Attorney General's Office. In implementing this recommendation, recovery of the whole contract price of \$229,438 on the basis that the contract was invalid may be undertaken in lieu of the approach taken above where recovery would be based on the overpayments made to the contractor.

As Revised: AGO should provide OPA documents showing recovery of the \$100,000 in restitution imposed by the United States District Court's sentence imposed on the contractor.

Agency to Act : Department of Finance - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : The DOF Secretary requested AGO's assistance in getting information on the Federal Court case involving the contract. The DOF Secretary stated that her office will proceed with the recommendation after the Federal Court's decision.

During the 12/7/00 meeting with the Coordinating Group, it was agreed that this recommendation should be redirected to the AGO. In its 3/9/01 response, the Acting Attorney General stated that no further action will be taken on this matter. Contact has been made with the United States Probation Department requesting that restitution from the contractor be ordered at sentencing.

During the 2/12/02 meeting, AGO informed OPA that it had already requested the United States Probation Department to recommend that restitution be required from the contractor and that it is awaiting sentencing decision.

On 4/2/02, the United States (US) District Court's sentence imposed on the contractor was 8 months imprisonment and restitution of \$100,000.

In his response date 9/15/03, the Acting Attorney General stated that this case was assigned to an Assistant Attorney General on 5/21/03 and is pending further legal analysis.

In his response dated 10/25/04, the Acting Attorney General stated that the enforcement of the federal court order of restitution should be the responsibility of the U.S. Attorney's Office. Accordingly, the AGO plans to request enforcement by that office.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required : AGO should inform OPA of the results of its request to enforce payment of the restitution ordered by the federal court.

Report No. AR-00-03 issued July 20, 2000
Commonwealth Ports Authority
Audit of the Compensatory Time Claimed and Retirement Benefits
Paid to Two Former Officials of the CPA

Date(s) of followup letter(s) sent : 1/17/01 (CPA), 1/19/01 (NMIRF), 8/20/01 (CPA), 8/21/01 (NMIRF), 3/5/02 (CPA) (NMIRF), 8/9/02 (CPA) (NMIRF), 8/12/02 (AGO), 10/3/02 (AGO), 12/24/02 (AGO), 2/14/03 (AGO) (CPA), 2/18/03 (NMIRF), 8/4/03 (NMIRF) (AGO), 4/13/04 (AGO), 4/16/04 (NMIRF), 9/21/04 (AGO), 9/28/04 (NMIRF), 2/15/05 (AGO) (NMIRF), 8/9/05 (AGO), (NMIRF), 3/10/06 (AGO) (NMIRF), 9/26/06 (AGO), 2/7/07

Date(s) of response letter(s) received : 8/31/01 (meeting with CPA), 10/4/01 (NMIRF letter of request for extension to respond until 11/3/01), 10/12/01 (CPA), 1/29/01, 2/12/02 (meeting with AGO), 8/12/02 (CPA request for extension), 8/30/02 (CPA), 9/25/02 (CPA), 4/2/03 (NMIRF), 7/22/03 (NMIRF), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/22/05 (NMIRF), 9/1/05 (AGO)

Recommendation I : *Original:* The CPA Board of Directors should adopt personnel rules and regulations that are: (a) within the authority granted by the Commonwealth Ports Authority Act and other CNMI laws such as the Compensation Adjustment Act, (b) consistent with and governed by the same principles of fairness and equality as the CNMI Personnel Regulations, thereby eliminating authorization for FLSA-exempt (executive, administrative and professional) officials and employees to earn comptime, and the granting to six designated officials of 14 annual leave hours per payperiod, or 360 hours per year.

As Redirected: The AGO should review the opinion provided by OPA regarding granting six designated officials 14 annual leave hours per payperiod and take legal action if determined necessary.

Agency to Act : Commonwealth Ports Authority - Redirected to the Attorney General's Office

Status : Open - Delinquent

Agency Response : In his letter response dated 5/12/00, the CPA Board Chairman disagreed with Recommendation I. He believed that CPA is not required or obliged to adopt rules and regulations similar or identical to the CNMI Personnel Regulations. He also stated that CPA's system of compensation is generally commensurate with the rest of the Commonwealth government. He further said that the granting of 14 hours annual leave per pay period to designated officials is a matter of personnel policy.

In his 10/12/01 response, the CPA Executive Director also disagreed with OPA's conclusion that CPA is required to adopt personnel rules and regulations that are similar, if not identical, to the CNMI's PSSRR. He stated that matters involving CPA personnel regulations, policies and benefits are strictly for the CPA board to decide. The Executive Director, suggested that the legislature could always review the matter and make recommendations to CPA to enact remedial legislation.

In the proposed CPA Personnel Rules and Regulations, the CPA Executive Director has proposed provisions enumerated under Sections 3.05 and 3.07 which addressed OPA's recommendation of eliminating the grant to FLSA-exempt officials and employees to earn overtime or comptime. Also, Section 5.02 of the proposed Personnel Rules and Regulations states that "Employees shall accumulate annual leave at the same rate as such leave time would be accumulated by employees of the Government of the Commonwealth of the Northern Marianas Islands." However, upon inquiry to the CPA Office Manager, OPA learned that CPA still granted the 14 annual leave hours for the last personnel contract executed. The proposed Personnel Rules and Regulations were published in the Commonwealth Register on January 29, 2002 for review and comments by interested parties until February 29, 2002.

In his response dated 8/30/02, the CPA Executive Director informed OPA that CPA's Personnel Rules and Regulations were adopted on August 8, 2002 and were published in the Commonwealth Register. He also stated that CPA's Personnel Rules and Regulations are similar to the PSSRR in terms of personnel regulations, benefits and policies', however, the CPA Board decided to continue the accrual of 14 hours annual leave bi-weekly for several of its key management employees. On 9/16/02, OPA requested CPA for additional information on the matter.

Based on additional information CPA provided to OPA on 9/25/02, OPA conducted an analysis of the various CPA positions that are currently receiving the 14 hours annual leave benefit per pay period. Based on the analysis, OPA concluded that the positions of the deputy director, deputy comptroller, and the staff engineer may not be entitled to 14 hours annual leave per pay period because they are not encompassed in the exception provided by 2 CMC §2122(n) and are not considered to be "specialists for which no comparable position exist in the Commonwealth". Thus, the compensation, wages, and salary scales of these positions "shall be commensurate with those paid by the Commonwealth requiring comparable education, training, or experience." Based on the analysis, OPA also concluded that while certain positions such as the executive director, comptroller and ports managers, are able to receive compensations non-commensurate "with those paid by the Commonwealth requiring comparable education", OPA maintains its concerns regarding the extension of such generous leave benefits and whether such compensation is truly "reasonable related to the operations of the government" as set forth in Article X, Section 1 of the NMI Constitution, Public Laws 12-2 and 11-84. On 12/24/02, OPA forwarded this information to the AGO for review of the legal issues identified and action if determined necessary.

In his response dated 9/15/03, the Acting Attorney General stated that this case has been assigned to an Assistant Attorney General for review.

On 4/30/04, the Deputy Attorney General informed OPA that the Chief of the Civil Division is currently evaluating this case and expects to have its analysis and review completed by June 30, 2004.

The Acting Attorney General's response dated 10/25/04 did not address this recommendation.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required

: The AGO should provide OPA the results of its review on the matter.

Recommendation 5

: *Original:* The CPA Board of Directors should instruct the CPA Accounting Department to stop the practice of making advance payments of unused annual leave and salary, and comply with the provision in the employment contracts that payments will be made upon contract expiration. In the case of retiring employees not covered by employment contracts, payment should be made on the next payday following the termination of employment or on payroll due dates.

As Redirected: The AGO should provide its legal opinion on the propriety of CPA's practice of making advance payments of unused annual leave and salary, instead of complying with the provision in the employment contracts that payments will be made upon contract expiration. In the case of retiring employees not covered by employment contracts, payment should be made on the next payday following the termination of employment or on payroll due dates.

Agency to Act

: Commonwealth Ports Authority - Redirected to the Attorney General's Office

Status

: Resolved - Delinquent

Agency Response

: In his 10/12/01 response, the CPA Executive Director disagreed with the recommendation and stated that there is nothing illegal about making advanced leave payments for annual leave that has already accrued or advancing a salary that an employee has already earned. He further stated that this is a matter that rests exclusively with the CPA Board.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring AGO's legal opinion.

In his response dated 9/15/03, the Acting Attorney General stated that this case has been assigned to an Assistant Attorney General for review.

On 4/30/04, the Deputy Attorney General informed OPA that the Chief of the Civil Division is currently evaluating this case and expects to have its analysis and review completed by June 30, 2004.

The Acting Attorney General's response dated 10/25/04 did not address this recommendation.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required**

: AGO should provide OPA a copy of its legal opinion on the matter.

**Report No. LT-01-07 issued November 23, 2001
Commonwealth Utilities Corporation Audit of Travel of the Board of Directors,
Key Management and Other CNMI Government Officials from October 1999 through March 2001**

Date(s) of followup letter(s) sent : 3/4/02, 8/12/02, 2/14/03, 4/21/03, 8/5/03, 11/10/03 (Re-directed to AGO), 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 1/17/02, 9/5/02 (CUC), 3/20/03 (CUC), 7/7/03 (CUC), 4/30/04 (AGO), 9/1/05 (AGO)

Recommendation 4 : *Original* - The Chairman of the Board and the Executive Director initiate recovery of any overpayments mentioned in this report.

As re-directed to the AGO: The AGO should determine whether recovery of the overpayments which have not been repaid will be pursued and inform OPA of what actions the AGO will be taking.

Agency to Act : Commonwealth Utilities Corporation - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On 9/5/02, CUC provided OPA with a schedule showing payment paid by Board Member 1 for TA no. 00-375 totaling \$471, and CUC Officer 1 and Board Member 7 for \$415 and \$525, respectively, for erroneous per diem payments.

In his response dated 3/20/03, the Chairman for the CUC Board of Directors informed OPA that CUC has reverted to paying the subsistence allowance as recommended in the OPA audit report but that the present CUC Board of Directors has sanctioned the overpayments of the concerned Board members for the difference between the per diem they received and the subsistence allowance authorized and has provided justification for its decision, particularly in the case of the current board member who resides in Rota. On 4/21/03, OPA issued a letter to the Chairman of the CUC Board of Directors informing him that the position taken by the Board of Directors causes OPA concern for two reasons. First, it is inconsistent. To collect refunds for the overpayment from two individuals, but to excuse the others is inequitable. In addition, to state that CUC has reverted to paying the subsistence amount, indicating recognition that it is the authorized amount, but allowing individuals to retain the excess received over the subsistence amount is contradictory. Second, the letter provided by the Chairman of the CUC Board of Directors does not reflect the legal authority for an after the fact sanctioning of what the text of his letter and actions against the former employee and board member appear to recognize to be an improper act. OPA informed the Chairman of the CUC Board of Directors that without clearer legal authority or additional information to support their decision to sanction the overpayments, the recommendation will remain open.

On 7/7/03, OPA received a response from the CUC Board of Director's former Legal Counsel informing OPA that the Board has determined that they will (1) immediately reimburse the individuals who have paid the difference between the subsistence allowance and the per diem rate, (2) waive any further payment of outstanding sums, as noted in the audit recommendation, (3) insure that only payment of the subsistence amount is paid, and (4) present any anticipated change in policy as to sums paid with respect to inter-island travel to OPA for review and comment prior to final action. According to the Board's former Legal Counsel, the timing for denial of the payment, or requirement for reimbursement under an audit has passed, therefore, CUC will reimburse those who previously made payment and waive any additional payments from others.

On 8/5/03, OPA issued a letter to the Chairman of the CUC Board of Directors informing him that the time for collection has not passed and that the overpayments must be repaid by the individuals that received the monies as "such payments were improper", which is undisputed, as set forth by CUC in its response. As such, there is no legal basis presented by CUC to justify the waiver of payment by those individuals that have not repaid the funds. In addition, there is no legal basis to justify the reimbursement to those individuals that have repaid CUC for the erroneous payment. OPA believes that action for collection of the overpayments would be in the public interest and would be made against those having possibly breached their fiduciary duties by receiving and not repaying the funds. OPA is also concerned that the reimbursement for the funds received in repayment and the waiver of the funds due for the overpayment by the other individuals, absent a legal basis to do so, may present a new breach of duty based on unjustified sanctioning of such actions. OPA, therefore, cannot consider this matter closed and must refer this matter to the Office of the Attorney General for review at this time.

On 11/10/03, OPA forwarded to the Deputy Attorney General documents relating to the overpayments and questionable payment for further review and determination as to whether amounts in question should be recovered.

In his 4/30/04 response, the Deputy Attorney General stated that this case has been assigned to an Assistant Attorney General for evaluation and collection if appropriate.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required**

:

The AGO should inform OPA whether recovery for the erroneous per diem payments and questionable payment below which have not been repaid will be pursued and what actions will be taken.

1. TA's with erroneous per diem payments for Board Member 1, Board Member 3, and Board Member 4 totaling \$2,730.
2. Questionable payment for one day per diem for TA no. 00-238 amounting to \$243.

**Report No. AR-02-02 issued September II, 2002
Tinian Casino Gaming Control Commission
Audit of Travel Transactions
Fiscal Years 1996 - 2001**

Date(s) of followup letter(s) sent : 3/5/02, 8/9/02, 2/18/03, 8/4/03, 4/13/04, 9/21/04 (Re-directed to AGO), 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 7/22/03, 6/17/04 (TCGCC), 10/25/04 (AGO), 9/1/05 (AGO)

Recommendation I

:

Original - Recover advances totaling \$406,925 (Appendix A) from the commissioners, officials, and employees unless convincing evidence is submitted showing otherwise. If the commissioners, officials, and employees refuse to repay the funds, the Chairman should request the Attorney General's Office to take legal action against the commissioners, officials, and employees to recover the amount of advances outstanding.

As re-directed to the AGO - Institute legal action against the commissioners, officials, and employees to recover the amount of advances outstanding.

Agency to Act : Tinian Casino Gaming Control Commission - Redirected to the Attorney General's Office

Status : Open - Delinquent

Agency Response : The table on page 4 of the report presents five types of exceptions noted and the potentially recoverable amount. The following information or actions are required for each exception in order to consider the recommendation closed:

1. No travel voucher submitted - \$107,414 - the Tinian Casino Gaming Control Commission (TCGCC) should present travel vouchers and documents to support claimed expenses. Otherwise, it should collect the advances and present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.
2. Insufficient supporting documentation - \$247,278 - TCGCC should present valid documents to support claimed expenses. Otherwise, it should collect the advances and present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.

After the exit briefing conducted on August 14, 2002, certain travelers provided copies of documents evidencing that official trips were performed. Although these documents had not been timely submitted, most of them adequately documented claimed expenses and would reduce exception no. 2 by \$14,672.

3. Unallowable discretionary fund expenses - \$15,829 - TCGCC should present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.

Two travelers concurred that they should pay TCGCC for personal expenses cited by OPA.

4. Improper CNMI advances - \$26,808 - TCGCC should present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.
5. Excessive Per diem - \$9,596 - TCGCC should present proof of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.

On August 16, 2002, a traveler provided OPA a copy of official receipt for payment of \$75 excess per diem.

In his response dated 6/17/04, the Chief Legal Counsel for TCGCC stated that TCGCC had contacted certain commissioners, officials and employees about the allegations in the audit report and was unable to settle their accounts consistent with the requirements of the recommendation. However, they have followed the recommendation made by OPA and has referred this matter to the AGO for "appropriate action". Although no specific referral letter was issued to the AGO, one of the Assistant Attorney General acknowledged his familiarity with the conclusions of the report and the request by TCGCC that the AGO take "appropriate action" to recover the funds identified in this recommendation. The Assistant Attorney General advised the Chief Legal Counsel that the AGO will review the report and determine what "appropriate action" will be taken against the commissioners, officials and employees identified in the report.

In his response dated 10/25/04, the Acting Attorney General stated that the AGO is currently researching standing issues related to the collection of the debt.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

Additional Information or Action Required : The AGO should inform OPA the results of its research and whether it will pursue this case.

Report No. AR-02-04 issued on November 5, 2002
Audit of the Department of Labor and Immigration - (Currently Dept. of Labor/AGO Division of Immigration)
Tinian Long Distance Telephone Charges
January 1998 through June 2000

Date(s) of followup letter(s) sent : 2/18/03 (DOLI), 8/4/03 (AGO), 10/27/03 (AGO), 4/13/04 (AGO),
9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO), 3/10/06 (AGO),
9/26/06 (AGO), 2/7/07 (AGO)

Date(s) of response letter(s) received : 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 9/1/05 (AGO)

Recommendation 2 : Request the telephone company to reduce the number of agency telephone lines with long-distance access and limit long-distance access only to certain employees.

Agency to Act : AGO-Division of Immigration - Tinian

Note: This recommendation was previously addressed to the Department of Labor and Immigration (DOLI) - Tinian. Pursuant to Executive Order 03-01 dated 3/10/03, the Division of Immigration was transferred to the AGO. Implementation of this recommendation will now be required from AGO-Division of Immigration - Tinian.

Status : Resolved - Delinquent

Agency Response : The Resident Director of DOLI Tinian appears to disagree with the recommendation. She stated that DOLI Tinian has four divisions which contains an average of two to three sections. She explained that the current ten telephone lines often results in hampered public services due to busy telephone signals. Hence, she maintained that her department will continue with the set up of ten telephone lines.

In a conference call between the DOLI Tinian Resident Director's Secretary and OPA on 2/18/03, the Secretary stated that there are only four DOLI personnel who have access to a pin number used to make long-distance calls. Also, the only telephone line with direct access to long-distance is in the Resident Director's office.

In a telephone conversation with the Deputy Attorney General in Mid-June, OPA was informed that the recommendation has been implemented. OPA will request the AGO to provide written documentation evidencing implementation of the recommendation in order to consider the recommendation closed.

In her response letter dated 9/1/05, the Attorney General stated that they are currently working on this matter.

Additional Information or Action Required : AGO should provide written documentation evidencing that authorization of the long-distance pin number is limited to certain employees.

Report No. AR-03-04 issued March 10, 2003
Office of the Attorney General
Audit of the Attorney General's Investigative Unit Confidential
Informant/Cash Funds From October 1, 1994 to April 30, 2002

Date(s) of followup letter(s) sent : 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received : 5/12/03, 9/15/03, 4/30/04, 10/25/04, 9/1/05

Recommendation 3 : Recovering the residual value of three unused return airline tickets totaling \$723 and the overpayment of per diem of \$1,605 from the three travelers involved.

Agency to Act : Attorney General's Investigative Unit

Status : Resolved - Delinquent

Agency Response : In her response dated 5/12/03, the former Attorney General informed OPA that a \$723 credit voucher had been issued by the involved travel agency to be depleted by off-setting with future airline tickets for investigation related to the local law enforcement funds purpose with no restrictions. Furthermore, the Attorney General outlined two steps to resolve the travelers' overpayment of per diem - (1) the current AGIU investigator will re-pay the fund in cash, and (2) the two other travelers, now both civilians and not attached to AGIU, will be contacted by an Assistant Attorney General for repayment through legal process.

In his response dated 9/15/03, the Acting Attorney General stated that this case was cleared by OPA. Upon further review, OPA determined that this case has not yet been cleared since OPA was not provided copies of documents evidencing repayment made into the fund by the current AGIU investigator for the overpayment of per diem and the results of their collection effort for the other two travelers with overpayments of per diem who are no longer employed with the AGIU.

On 4/30/04, the Deputy Attorney General informed OPA that one AGIU investigator has repaid \$535 to the CI Fund. Supporting documents to evidence repayment made by the AGIU investigator was subsequently provided to OPA on 7/20/04. Also, an attorney has been assigned to evaluate the case and to recover the uncollected balances due to the CNMI government. Based on AGO's response and supporting documents provided, \$535 has been collected, leaving a balance of \$1,070 still recoverable from the two remaining investigators who are no longer attached to AGIU.

In his response dated 10/25/04, the Acting Attorney General stated that OPA only allowed \$200 per diem rate, however, the AGO Administrative Officer determined that AGIU was allowed higher per diem rate. He further stated that OPA required receipts and disallowed some expenses, however, under current travel policies and memoranda, per diem does not have to be justified by receipts. The requirement imposed is that boarding passes must be supplied. The AGO also stated that there are no fiscal rules regarding paid travel, per diem, or hearing procedures in contested cases. AGO plans to meet with OPA and DOF to discuss this matter.

OPA Response to AGO: The CNMI Travel Regulations are clear as to what type of expenses can be covered by the travel advance and OPA agrees that per diem does not have to be covered by receipts. However, per diem rates per locality are also established by the Regulations and we have not seen anything in writing allowing AGIU to exceed the \$200 per diem rate for the Korea trip. Pursuant to regulations, meals are covered by the per diem and should not form part of the additional expenses deductible from the advance. Sightseeing tour entrance fees are also not among those allowed as legitimate travel expenses. OPA still believes that the excess amount should be returned by the travelers unless the AGO can justify what it claims "a higher per diem rate for investigators". OPA would be ready to further discuss this issue with AGO.

In her response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information
or Action Required** :

AGO should inform OPA of the results of their collection effort for the other two travelers with overpayments of per diem who are no longer employed with the AGIU and provide copies of documents evidencing payments until fully recovered.

**Report No. AR-03-05 issued August 6, 2003
CNMI Senate, Thirteenth Legislature
Monthly Subsistence Allowance Provided to Members
of the Senate Covering the Period Ending June 30, 2002**

Date(s) of followup letter(s) sent : 4/13/04 (Senate), 9/27/04, 2/15/05, 8/9/05, 9/22/05, 3/8/06, 2/7/07 (Re-directed to AGO)

Date(s) of response letter(s) received : 5/12/04 (request for extension to respond), 10/13/04, 3/8/05 (telephone follow-up), 3/14/05, 8/17/05 (meeting with Senate Legal Counsel), 8/29/05

Recommendation I : *Original:* Introduce legislation to grant it authority for the subsistence allowance, to set the amount of the allowance, and to certify it as a public purpose.

As Revised and Re-directed to the AGO: AGO should inform OPA of the results of its review and legal determination on whether the Senate should introduce legislation to grant it authority for the subsistence allowance, to set the amount of the allowance, and to certify it as a public purpose.

Agency to Act : Senate - Redirected to the Attorney General's Office

Status : Open - Active

Agency Response : The Senate stated that the subsistence allowance need not be in the form of a law. Instead the Senate asserts that it has implied statutory authority to establish the subsistence allowance for its members by Senate rule because 1 CMC §121(i) states that "expenditures authorized and regulated by legislative rules are expressly declared to be for a public purpose...".

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

OPA Response - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and to establish and justify the amount of its subsistence allowance through legislation.

OPA is redirecting this recommendation to the Attorney General's Office for review as OPA and the Senate were unable to reach an agreement to address OPA's concern. Although OPA respects the Senate's position on this matter, OPA still disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. As the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists, OPA feels it is in the best interest to refer the legal issues identified to the Attorney General's Office for its legal review and determination.

Additional Information or Action Required : The AGO should review the legal issues identified in OPA's audit report and inform OPA of its determination.

Report No. AR-05-03 issued August 12, 2005
Marianas Hawaii Liason Office
Audit of the Marianas Liason Office
From October 1, 1999 through December 31, 2002

Date(s) of followup letter(s) sent : 3/13/06, 9/26/06, 2/7/07

Date(s) of response letter(s) received :

Recommendation I : Issue a determination on whether recovery of funds for double benefits paid to a former Liaison Officer is appropriate and should be pursued.

Agency to Act : Attorney General's Office

Status : Open - Delinquent

Agency Response : In a letter dated 7/27/05, the Attorney General stated that the AGO will take OPA's recommendation under advisement and review the matter. The AGO requested OPA forward all documents generated in connection with the particular contract cited in the report in order to expedite their review.

Additional Information or Action Required : OPA forwarded all pertinent documents relating to the contract to the AGO on 8/1/05. The AGO should inform OPA of the results of its review and whether recovery of funds for double benefits paid to a former Liaison Officer is appropriate and be pursued.

Recommendation 3 : *Original:* Compute the total improper payments of housing allowances to employees hired in Hawaii, including those made prior to FY 2000, and initiate recovery of improper payments by forwarding the information to the AGO and making a legal query as to how to proceed in recovering the improper payments.
As Revised and Redirected to the AGO: Determine appropriate legal action to be taken to recover improper payments of housing allowances.

Agency to Act : Marianas Hawaii Liaison Office - Redirected to the Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On 9/6/05, MHLO provided OPA with the schedule of payments for housing allowances improperly paid to two of the three employees cited in the report. MHLO did not inform OPA, however, whether it has forwarded the information to the AGO for legal query as to how to proceed in recovering the improper payments. OPA was subsequently contacted by an Assistant Attorney General to request a meeting to discuss and review pertinent files relating to OPA's findings of improper payments of housing allowances. OPA staff met with the Assistant Attorney General assigned to this case on 1/27/06. On 2/1/06, OPA forwarded to the Assistant Attorney General requested copies of audit work papers relating to the improper payments.

Additional Information or Action Required : AGO should inform OPA of the results of its review and determination regarding the improper payments of housing allowances.

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/13/06, 9/25/06, 2/2/07, 5/25/07

Date(s) of response letter(s) received : 3/31/06, 10/18/06, 3/12/07

Recommendation 14 : The Department of Commerce should implement a system to monitor all securities pledged by banks as collateral for all CNMI Government deposits, or seek legislative amendment to designate or transfer such responsibility to another capable government office or agency.

Agency to Act : Department of Commerce

Status : Open - Active

Agency Response : In his letter dated 3/31/06, the Acting Secretary of the Department of Commerce (DOC) informed OPA that the Office of the Director of Banking is in the process of implementing a quarterly monitoring of all government deposits held by banks and financial institutions covered under Public Law 12-61. He further stated that a draft administrative notice/order effecting this new requirement, is currently being reviewed by the AGO, and that this new reporting requirement will become effective beginning the first quarter of 2006.

According to the Acting Secretary, under this new reporting/monitoring scheme, all banks and financial institutions holding government deposits will be required to furnish the Director of Banking, on a quarterly basis, with evidence(s) and a certification that they are in compliance with Public Law 12-61, the Government Deposit Safety Act. This new reporting will be in addition to the quarterly submission of statements of financial condition that banks already provide the Office of the Director of Banking. As with the quarterly statements, banks will be given 30 days following the end of each calendar quarter to submit the government deposit compliance reports.

Additionally, the Acting Secretary stated that they are currently working with members of the Legislature to amend Public Law 12-61 to address other issues cited in the audit report.

On 10/18/06, the Secretary of Commerce provided OPA with a copy of the Administrative Notice dated 3/31/06 issued to all banks and financial institutions informing them that effective immediately all banks and financial institutions holding government deposits shall be required to furnish the Office of Director of Banking with evidence and a certification that it is in compliance with Public Law 12-61, the CNMI Government Deposit Safety Act. Furthermore, the Secretary of Commerce requested for a three month extension in order for the DOC to resolve issues relating to some technical reporting details. DOC also provided OPA with a copy of House Bill 15-112, which seeks to amend Public Law 12-61 and a copy of the department's comments to the House Bill.

OPA Response: A review of the Administrative Notice issued to all banks and financial institutions did not address those CNMI Government deposits that do not fall under the purview of P.L. 12-61 and is therefore insufficient to close the recommendation.

In his letter dated 03/12/07, the Secretary of Commerce stated that while they would like to ensure the on-going monitoring of government deposits, including those of autonomous agencies, the fact remains that monitoring and enforcement of P.L. 12-61 is limited to "Commonwealth Treasury" funds. For DOC to extend its authority beyond what is allowable would be deemed arbitrary and capricious. He also stated that the Secretary of Finance has the authority to promulgate rules and regulations involving government deposits, and not the Secretary of Commerce.

OPA Response: OPA has determined that the current system of monitoring government deposits by the Department of Commerce is insufficient as it excludes autonomous agency deposits. OPA has identified DOC to implement such a monitoring mechanism under its authority to regulate the banking industry. As such, through this authority, DOC should require that all banks provide DOC with information on the securities they pledge as collateral for all government deposits whether they be funds covered by the Act, or those of an autonomous agency not covered by the Act. This will ensure that banks do not pledge the same security to various government deposits beyond the value of the security. Furthermore, the recommendation is not tasking DOC to ensure that banks comply with P.L. 12-61. Rather, the recommendation is intended to ensure that securities pledged by banks are being monitored to ensure no "over-pledging" or "multiple-pledging" of the same securities exist. OPA therefore maintains its position and reiterates that DOC address those government deposits not covered under the Act.

**Additional Information
or Action Required :**

The Department of Commerce should address those CNMI Government deposits that are not currently covered under P.L. 12-61, or the Administrative Notice issued on 03/31/06. Once addressed, the Department of Commerce should provide OPA with evidence that the issue has been resolved, and that the new monitoring plan has been implemented. OPA will review such documents to determine if such actions fully address the recommendation.

Department of Finance

Report No. AR-98-06 issued December 14, 1998
Department of Finance
Audit of Misuse of Funds by the Former Secretary of Finance
Fiscal Years 1995, 1996, and 1997

Date(s) of followup letter(s) sent : 11/23/99 (DOF), 1/26/99, 1/5/00 (AGO), 1/17/01 (AGO), 8/21/01 (AGO), 2/14/02 (AGO), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 4/13/04 (AGO), 4/14/04 (DOF), 9/21/04 (AGO), 9/28/04 (DOF), 2/15/05 (DOF) (AGO), 8/8/05 (DOF), 8/9/05 (AGO), 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 1/20/00 (AGO), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 3/31/05 (DOF), 9/1/05 (AGO), 3/31/06 (request for extension), 4/18/06, 9/11/06 (AGO)

Recommendation I : *As Revised:* DOF should provide OPA documents showing recovery of the \$56,461.98 in restitution on the federal case. In addition, AGO should take further legal action against the former Secretary for misappropriation and improper expenditure of public funds.

Agency to Act : Department of Finance / Attorney General's Office

Status : Resolved - Delinquent

Agency Response : On 2/22/01, the Federal Court sentenced the former Finance Secretary to 33 months imprisonment and ordered payment of \$56,461.98 in restitution to the court for disbursement to the CNMI Department of Finance.

In his 3/9/01 response, the Acting Attorney General stated that the AGO waited until the federal crime case concluded since one count in the case was covered by AGO's case. The former Secretary was ordered to pay restitution in the federal case, thereby reducing the maximum potential judgment. AGO will make a Motion for Summary Judgment and will still seek a judgment of approximately \$75,000 against the former Secretary of Finance for misappropriation and improper expenditure of public funds.

During the 2/12/02 meeting, AGO informed OPA that it will file a Motion for Summary Judgment in the civil action filed against the former Secretary of Finance. In a follow-up letter to AGO dated 2/14/02, OPA compiled a list of its referrals for AGO to prioritize for action. The list included this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that this case has been forwarded to the AGO's collection team (an in house team assembled to collect debts owed the government that are over the statutory limit for small claims) and the matter is still pending.

In his 10/25/04 response, the Acting Attorney General stated that the civil case against the defendant is still pending for the recovery of funds.

In a response letter dated 3/18/05, the Secretary of Finance stated that the defendant has not made any payments towards his restitution obligation to the CNMI government to date. On 3/31/05, OPA was provided a copy of the letter received from the U.S. Attorney of the District of Guam to the Secretary of Finance informing him that the former Secretary of Finance's assigned U.S. Probation Officer will be setting a payment schedule to dispose of his restitution obligation after July 2005. The U.S. Attorney of the District of Guam will be notifying the Secretary of Finance once the payment plan is established.

In his response letter dated 4/18/06, the Secretary of Finance provided OPA with a copy of the letter from the US Attorney's District Office on Guam advising OPA of the payment plan the former secretary will be making to the government. OPA was also provided with a summary of all payments made by the former secretary owed to the government to date. The US Attorney's District Office has been notified that the former secretary has agreed to make monthly payments in the amount of \$100 effective 8/1/05. According to the payment summary provided by DOF, payments made by the former secretary totaled \$625.00 as of 3/21/06, thus leaving a balance outstanding of \$55,837.00. Additionally, the letter stated that a balance still remains towards the former secretary's imposed assessment fee and that any payments will first be applied to it until it is paid off.

In her response dated 9/11/06, the Assistant Attorney General informed OPA that the former Secretary of Finance has paid \$1,125 towards his restitution obligation as of August 2006. Therefore, a balance of \$55,336.98 is still recoverable from the former Secretary of Finance.

Additional Information or Action Required

: DOF should continue to update OPA on the collection of the \$56,461.98 restitution in the federal case until the entire amount is fully recovered. In addition, AGO should update OPA on the status of its earlier plan to make a motion for Summary Judgement of approximately \$75,000 against the former Secretary of Finance or provide OPA with a copy of any judgement issued if already filed.

**Report No. LT-95-06 issued November 1, 1995
Investigation of a Motor Vehicle Leased by the Tinian Mayor's Office**

Date(s) of followup letter(s) sent : 7/16/96, 11/29/96, 12/3/96, 2/2/98, 9/17/98, 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05, 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 11/21/00 (meeting with Coordinating Group on DOF), 10/01/01, 3/27/02 (DOF request for extension), 4/12/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05, 3/31/06 (request for extension), 4/18/06

Recommendation 2 : The Secretary of Finance should designate responsibility to a specific DOF office for implementing government vehicle regulations, developing specific procedures for confiscating vehicles, and bringing disciplinary actions against offending officials or employees.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : The provisions of Government Vehicle Regulations No. 1101 Section 11 (e) as adopted by the Department of Finance in the Commonwealth Register on 4/15/93 state that the Secretary of Finance shall have the authority to revoke the employee's CNMI government vehicle permit, immediately confiscate the vehicle in question, bring disciplinary action against the offending official or employee, or refer the matter to the Attorney General or Department of Public Safety for further investigation.

In his 4/12/02 response, the Secretary of Finance informed OPA that revisions to the amended Government Vehicle Regulations are near completion and a copy will be provided to OPA upon their adoption.

In his 3/18/05 response, the Secretary of Finance informed OPA that DOF is currently reviewing the proposed amendments to the regulations. The Director of Procurement and Supply has asked for an additional 30 days to conduct further review with the assistance of the Attorney General's Office. The Secretary of Finance stated that they will have the amended regulations published in the April 2005 Commonwealth Register and have the amendments adopted in May 2005.

In his letter response dated 4/18/06, the Secretary of Finance informed OPA that the review of existing regulations has taken longer than expected. The Secretary of Finance was informed by the Director of Procurement and Supply that the amended regulations will be due by June 30, 2006 and published for adoption 60 days thereafter.

Additional Information or Action Required : DOF should provide OPA a copy of the revised Government Vehicle Regulations upon its adoption.

**Report No. AR-96-01 issued January 31, 1996
Office of the Mayor
Audit of Operations
For Fiscal Years Ended September 30, 1990 to 1993**

Date(s) of followup letter(s) sent : 3/28/96, 11/25/96, 2/2/98, 9/17/98, 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05, 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 6/11/97, 9/27/00, 9/22/99, 11/21/00 (meeting with Coordinating Group on DOF), 3/27/02 (DOF request for extension), 4/12/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05, 3/31/06 (request for extension), 4/18/06

Recommendation 7 : The Secretary of Finance should direct the head of the Tinian Procurement Office to maintain an updated record of capital assets. On a regular basis, the Tinian Procurement Office should conduct an inventory to establish the physical existence, condition and location of fixed assets. It should also compare its record of assets with the inventory and take appropriate action with respect to any differences. Any missing item should be properly accounted for by the concerned agency.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : During the 11/21/00 meeting with the Coordinating Group, the Procurement and Supply (P&S) Director agreed to issue a memorandum to the Tinian Procurement Office and even to the Rota Procurement Office directing them to conduct their own annual inventory. In the 10/1/01 response from DOF, there was no indication of any action taken on this recommendation.

On 4/12/02, the current Secretary of Finance responded that his office has requested copies of the inventory results from Rota and Tinian for DOF to provide to OPA.

On 3/18/05, the Secretary of Finance provided OPA a copy of the new CNMI Property Management Policies and Procedures dated 1/8/03 which states that capital inventories shall be conducted on an annual basis. Based on the new policies and procedures, the inventory results for 2004 is due on March 23, 2005. OPA was also provided a copy of the memorandum from the Secretary of Finance addressed to the Supply Representatives for Tinian and Rota dated 3/14/05 requesting for their office inventory listing of all CNMI government property assigned under each department and agency in their respective area no later than March 23, 2005. The Property Management Branch will schedule a physical inventory verification once the listing has been received and compiled. DOF will be providing OPA with the inventory results once completed.

In his letter dated 4/18/06, the Secretary of Finance informed OPA that the Director of Procurement and Supply has issued notices to the Procurement Offices in Rota and Tinian to conduct an annual inventory of their fixed assets. The Secretary of Finance further stated that the physical inventory of all fixed assets on Tinian and Rota are still ongoing and that DOF will provide OPA with the inventory results as soon as they are completed.

Additional Information or Action Required : The P&S Director should provide OPA a copy of the inventory results and actions taken.

**Report No. AR-97-05 issued March 20, 1997
Audit of the Executive Branch of the CNMI Government's
Professional Services Contracts from October 1991 to July 1995**

Date(s) of followup letter(s) sent : 7/9/97, 2/02/98, 9/17/98, 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05, 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 11/9/00, 11/21/00 (meeting with Coordinating Group on DOF), 5/01, 10/1/01, 3/27/02 (DOF request for extension), 4/12/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05, 3/22/05, 3/29/06 (request for extension), 4/18/06

Recommendation 3 : The Contracting Officers should recover payments (including interest) made to contractors whom we identified as having been paid without performing their work, and refer those who refuse to pay to the AGO for legal action.

Agency to Act : Department of Finance - Treasury for Contact C40113, C50108

Status : Resolved - Delinquent

Agency Response : On 1/14/00, AGO and the Director of Procurement and Supply met with the former contractor which resulted in the former contractor agreeing to repay the Commonwealth \$96,100. The former contractor signed a promissory note with the AGO for monthly payments of \$300 to the CNMI Treasury beginning 2/15/00.

During the 2/12/02 meeting, AGO informed OPA that the former contractor in this matter remains in compliance with the settlement promissory note and therefore AGO just needs to continue to monitor compliance.

In his letter dated 4/18/06, the Secretary of Finance informed OPA that total payments made on the promissory note as of 3/21/06 amounted to \$14,000 leaving a balance of \$81,900 still to be recovered. According to the summary schedule provided by DOF, the former contractor is 27 months behind with his payments as of 3/21/06.

Additional Information or Action Required : *For Contract Nos. C40113 and C50108 - Until full amount has been paid, DOF-Treasury should continuously provide OPA evidence (i.e., official receipts) of collections from the former contractor which pay directly to the CNMI Treasury. DOF should also update AGO on the status of payments made by the former contractor and his non-compliance with the promissory note. Accordingly, DOF should update OPA on the results of its communication with the AGO on this matter.*

Recommendation 8 : The Secretary of Finance should issue a memorandum instructing the DOF - Accounting Section to recover or offset from future payments the \$15,079 in overpayments to contractors.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : In the 10/1/01 response from DOF, the Secretary of Finance stated that \$7,559 (for Contract no. C50083) of the \$15,079 in total overpayment has already been settled and that supporting documents regarding the settlement were provided to OPA. For the others in question which include \$1,020 (for Contract no. C50132) and \$6,500 (for Contract no. C50208), DOF requested that AGO initiate a recovery action, given the length of time involved and the improbability of a reply from both contractors.

In his 4/12/02 response, the Secretary of Finance provided OPA a copy of a memorandum requesting the Acting Director of Finance and Accounting to review the records pertaining to the payments in question and to issue a demand for payment immediately.

In his letter dated 3/18/05, the Secretary of Finance informed OPA that after their review of the files, DOF was unable to confirm whether bills were sent out to two contractors. DOF will gather all the required documents to include with the bills for collection and provide OPA a copy. DOF will also refer the matter to the AGO for collection.

In his response letter dated 4/18/06, the Secretary of Finance informed OPA that the Acting Director of Finance and Accounting is unable to provide copies of accounts payable vouchers (APV) that are needed as supporting documents when bills are sent out for collection. The Secretary further stated that since this was an OPA-initiated audit, the OPA should have copies of the payment vouchers in question, as they should have been part of the working files. In the meantime, they are consulting with the Office of the Attorney General as to the appropriate course of action(s) that can be taken considering the lack of supporting documents and the statute of limitation on these claims.

**Additional Information
or Action Required** :

DOF should provide OPA with the documents evidencing settlement of the \$7,559 (for Contract no. C50083). DOF should also provide OPA a copy of the bills for collection to recover the overpayment of \$1,020 (for Contract no. C50132) and \$6,500 (for Contract no. C50208). Finally, DOF should update OPA on the results of its communication with the AGO on the appropriate course of action(s) that can be taken on these claims.

**Report No. AR-98-02 issued May 26, 1998
Review of CNMI's Compliance with Government Vehicle Act and Regulations
March 1995 to March 1997**

Date(s) of followup letter(s) sent : 9/17/98 (DOF), 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05, 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 9/29/00 (DOF), 12/7/00 (meeting with Coordinating Group on DOF), 10/01/01 (DOF), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 3/17/03 (DOF request for extension), 3/7/05 (DOF), 3/18/05, 3/31/06 (request for extension), 4/18/06

Recommendation 2 :

The Secretary of Finance should instruct the Director of Procurement and Supply to:

- a) Develop written procedures for marking of government vehicles (except law enforcement vehicles and vehicles used by elected officials). Among other things, the written procedures should specify 1) the period when markings should be made (e.g., within a specified time frame after vehicle has been delivered by vendor); 2) the information to be included in the markings, such as the agency name, and if the vehicle is government-owned, the property number as well; 3) the exact size of the markings that will allow them to be visible and readable even when the vehicle is in motion; 4) the exact placement of the markings on the door; and 5) the material to be used for marking.

(Note: The marking should show the agency's full name and not just the acronym or the first letters of the agency's name. Use of full name instead of acronym readily identifies the agency accountable for the vehicle, and prevents mistaking one agency for another that has the same acronym.)

- b) Maintain updated government vehicle inventory listings and conduct periodic inventories of all government vehicles on Saipan, Rota, and Tinian.

- c) Revise the standard vehicle specifications and features guidelines issued by the Procurement and Supply Division to emphasize that procurement of vehicles with factory-tinted windows is prohibited by statute. Reject purchase requisitions made by any government agency to procure vehicles that do not conform to the standard vehicle specifications and features guidelines.

Agency to Act : Department of Finance - Procurement & Supply

Status : Resolved - Delinquent

Agency Response : In the 10/1/01 response from DOF, the Secretary of Finance stated that DOF is currently updating the vehicle regulations to include items (a) and (c) of Recommendation 2. OPA was provided the initial draft copy of the regulations. In addition, DOF provided OPA a government vehicle inventory listing as of January 2001 which addressed item (b) of the recommendation.

In his 4/12/02 response, the Secretary of Finance informed OPA that revisions to the amended Government Vehicle Regulations are near completion, and a copy will be provided to OPA upon their adoption.

In his 3/18/05 response, the Secretary of Finance informed OPA that DOF is currently reviewing the proposed amendments to the regulations. The Director of Procurement and Supply had requested for an additional 30 days to conduct further review with the assistance of the Attorney General's Office. The Secretary of Finance stated that they will have the amended regulations published in the April 2005 Commonwealth Register and have the amendments adopted in May 2005.

In his letter response dated 4/18/06, the Secretary of Finance informed OPA that the amended regulations will be completed by 6/30/06 and published for adoption 60 days thereafter.

Additional Information or Action Required : DOF should provide OPA a copy of the revised Government Vehicle Regulations upon their adoption.

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 3/31/06 (request for extension), 4/18/06

Recommendation I : The Secretary of Finance should adopt regulations to "interpret, execute and enforce" the Government Deposit Safety Act, including defining and clarifying what items constitute "obligations and securities backed by the CNMI government."

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : In his letter response dated 4/18/06, the Secretary of Finance provided OPA with the proposed Rules and Regulations of the Department of Finance Government Deposit Safety Act. The Secretary noted that the regulation was not adopted and that they will review the regulations and submit the update for publication and subsequent adoption in the CNMI register.

Additional Information or Action Required : DOF should inform OPA of actions taken to adopt regulations to "interpret, execute and enforce" the Government Deposit Safety Act, including defining and clarifying what items constitute "obligations and securities backed by the CNMI government." DOF should also provide OPA with a copy of the regulations once they are adopted.

Report No. AR-05-03 issued August 12, 2005
Marianas Hawaii Liason Office
Audit of the Marianas Liason Office
From October 1, 1999 through December 31, 2002

Date(s) of followup letter(s) sent : 3/9/06, 9/28/06, 2/6/07

Date(s) of response letter(s) received : 3/31/06 (request for extension), 4/3/06, 4/18/06

Recommendation 13 : Establish policies and procedures requiring DOF staff to account and record expenditures and receivables related to advances for funeral service charges of medical referral patients.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : DOF agreed with the intent of the recommendation but added that DPH and MHLO have the responsibility to insure transactions are properly entered. To address OPA's concern, the Acting Director of Finance and Accounting was directed to assign a staff member to work with DPH and MHLO to assist them in setting up procedures to ensure proper coding of payment vouchers and cash receipts when entering them into the DOF financial management system. The Secretary of Finance directed this action as DPH and MHLO enter their own payment vouchers and cash receipts into the DOF financial management system and have the responsibility to insure initial transactions are properly entered and the proper accounting codes are used.

OPA Response - OPA agrees that DOF's assistance to DPH and MHLO will help ensure the proper coding and accurate recording of payments and receipts related to funeral advances in the future. Since DOF has a better understanding of the system and the proper coding of payments and receipts, OPA believes that it will also be helpful if DOF establish guidelines and procedures in the proper coding and recording of these payments and receipts which DPH and MHLO can follow.

In his letter dated 3/18/06, the Secretary of Finance stated that they have met with the Medical Referral Office Manager to discuss the recording of accounts receivables for funeral expenses, as well as other medical referral related expenses not covered by the CNMI government. The MRO Manager will renew the existing MOU with each of the responsible parties to ensure that the amount outstanding is accurate. Once this is completed, all the receivables will be entered into the financial management system. He further stated that the DOF will assist with any training needed to ensure the completion of this project.

The Secretary also proposes that all vendor payments relating to funeral expense advances to families come directly out of the Treasury Office on Saipan to ensure that receivable accounts are established correctly through the MRO.

Additional Information or Action Required : OPA reiterates the need for DOF to adopt written guidelines and procedures to ensure proper accounting and recording of funeral service advances. Written procedures will also help ensure that proper accounting and recording will continue when DOF or MLHO personnel change. The guidelines and procedures can be incorporated in a memorandum or directive from the DOF secretary to DOF and MHLO personnel. A copy of the circulated memorandum or directive should also be provided to OPA so this recommendation can be closed.

Recommendation 14 : Designate DOF staff to review: (a) the outstanding balance of receivable accounts (#12150 and #12151) and (b) disbursements and collections debited/credited to Professional Service expense account to establish an accurate outstanding receivable balance of each promisor.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : DOF agreed with the intent of the recommendation but added that DPH and MHLO have the responsibility to insure transactions are properly entered. To address OPA's concern, the Acting Director of Finance and Accounting was directed to assign a staff member to work with DPH and MHLO to assist them in setting up procedures to insure proper coding of payment vouchers and cash receipts when entering them into the DOF financial management system.

OPA Response - Although the benefit of what DOF intends to do will only be realized prospectively, OPA agrees that DOF's assistance to DPH and MHLO will help ensure the proper coding and accurate recording of payments and receipts related to funeral advances in the future. As DOF has a better understanding of the system and the proper coding of payments and receipts, OPA believes that it will also be helpful if DOF establish guidelines and procedures in the proper coding and recording of these payments and receipts which DPH and MHLO can follow.

In his letter dated 4/18/06, the Secretary of Finance stated that as noted in Recommendation 13, DOF will assist the MRO in booking the accurate A/R amount for each responsible party. The Secretary also noted that the MRO must determine the accurate amount since the receivables were never included in either the CHC billing system or the DOF financial management system.

Additional Information or Action Required : As stated in recommendation 13, DOF should provide OPA a copy of the written guidelines and procedures adopted to ensure proper accounting and recording of funeral service advances. These guidelines and procedures should also identify the designated DOF and MHLO personnel responsible for reviewing the accuracy of accounts receivable balances, and for billing outstanding receivables.

Recommendation 16 : DOF Should establish written guidelines and procedures for the use of check exchanges. Such guidelines should address: (a) the purpose of check exchanges, (b) circumstances when a check may be issued through check exchange before receiving DOF-Treasury or DOF-Payroll approval, and (c) whether personal checks should be accepted for a check exchange. As DOF requires pre-approval of all check exchange transactions, DOF should establish monitoring procedures to ensure that all check exchanges are collected and credited to the check exchange receivable account.

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : The Acting Director of Finance and Accounting was directed to prepare written guidelines for the use of the check exchange account and provide a copy to MHLO and assign a staff member to review the check exchange account periodically to ensure MHLO is following the guidelines.

In his letter dated 4/18/06, the Secretary of Finance informed OPA that they are currently in the process of drafting procedures and guidelines for the use of check exchange accounts. DOF will provide OPA a copy of the policy once completed.

Additional Information or Action Required : DOF should provide OPA a copy of the written guidelines for the use of the check exchange account for OPA's review.

Recommendation 17 : DOF should issue a memorandum instructing staff to: make adjustments to the proper fund and receivable accounts. The Secretary of Finance should also instruct the staff assigned to record expenditure transactions concurrently with payment transactions to avoid double recording of disbursements. (The Secretary of Finance should ensure that Acct#1972 should be used for all expenditure transactions of medical referral operations, Acct#1041 should be used for operations of MHLO other than medical referral, and Receivable Acct#12160 should be used for disbursements and deposits of check exchange transactions).

Agency to Act : Department of Finance

Status : Resolved - Delinquent

Agency Response : DOF agreed with the intent of the recommendation but added that DPH and MHLO have the responsibility to insure transactions are properly entered. To address OPA's concern, the Acting Director of Finance and Accounting was directed to assign a staff member to work with DPH and MHLO to assist them in setting up procedures to insure proper coding of payment vouchers and cash receipts when entering them into the DOF financial management system.

OPA Response - Although the benefit of what DOF intends to do will only be realized prospectively, OPA agrees that DOF's assistance to DPH and MHLO will help ensure the proper coding and accurate recording of payments and receipts related to funeral advances in the future. Proper coding and accurate recording will then eliminate the need for DOF to perform future bank reconciliation adjustments to correct expenditure accounts of MHLO Operations and Medical Referral Imprest Funds. DOF should provide OPA the name of the DOF official who will be responsible for assisting DPH and MHLO and the target date to complete the task as well as a copy of the written guidelines and procedures to be followed by DOF and MHLO.

In his response letter dated 4/18/06, the Secretary of Finance indicated that there are two imprest fund accounts for the MHLO, one for operational expenses and another for medical referral expenses. He stated that the MHLO has to post each transaction into the appropriate accounts and object class. He also noted that they have provided training on posting transactions to the financial management system to designated staff at the MHLO on two separate occasions.

The Secretary also proposes that all vendor payments relating to funeral expense advances to families come directly out of the Treasury Office on Saipan to ensure that receivable accounts are established correctly through the MRO.

Additional Information or Action Required : DOF should provide OPA the name of the DOF official who will be responsible for assisting DPH and MHLO and the target date to complete the task as well as a copy of the written guidelines and procedures to be followed by DOF and MHLO.

Recommendation 18 : Ensure that: MHLO complies with DOF's Regulations for the Control of Public Funds; MHLO's official representation expenditures meet public purpose criteria; and, all requests for reimbursement for unauthorized or unsupported expenditures are disallowed.

Agency to Act : Department of Finance

Status : Closed

Agency Response : In his letter dated 4/18/06, the Secretary of Finance informed OPA they have sent a notice to the MHLO Officer advising her that the office is not authorized to incur official representation expenses.

In response to another recommendation, OPA was provided with a copy of the letter from the Acting Secretary of Finance to the then Marianas Hawaii Liaison Officer directing her that MHLO does not incur any official representation expenses as the offices of the Governor and Lt. Governor are the only executive branch offices authorized to incur official representation expenses. As the MHLO is no longer authorized to incur official representation expenditures, this recommendation is now considered closed.

Department of Labor

Report No. AR-02-04 issued on November 5, 2002
Audit of the Department of Labor and Immigration - (Currently Dept. of Labor/AGO Division of Immigration)
Tinian Long Distance Telephone Charges
January 1998 through June 2000

Date(s) of followup letter(s) sent : 2/18/03 (DOLI), 9/21/04 (DOL), 2/15/05 (DOL), 8/9/05 (DOL),
3/13/06 (DOL), 10/17/06 (DOL), 2/7/07 (DOL-Tinian), 3/15/07 (DOL-Tinian)

Date(s) of response letter(s) received : 10/27/04 (DOL), 8/25/06 (DOL), 3/6/07 (DOL-Tinian), 5/22/07 (DOL-Tinian)

Recommendation 2 : Request the telephone company to reduce the number of agency telephone lines with long-distance access and limit long-distance access only to certain employees.

Agency to Act : Department of Labor - Tinian

Note: This recommendation was previously addressed to the Department of Labor and Immigration (DOLI) - Tinian. Pursuant to Executive Order 03-01 dated 3/10/03, the Division of Immigration was transferred to the AGO. Implementation of this recommendation will now be required from the Department of Labor - Tinian.

Status : Closed

Agency Response : On 3/6/07, the DOL-Tinian Resident Department Head informed OPA that the only telephone line with direct access to long distance calls is located in the Administrative Services Section, in which the Administrative Officer logs all official long distance calls. OPA was provided a copy of the long distance log sheet showing long distance calls recorded for the month of January 2007. The copy of the log sheet provided to OPA is sufficient to address the part of the recommendation addressed to DOL-Tinian, therefore the part of the recommendation addressed to DOL-Tinian is now considered closed.

Report No. AR-05-02 issued on July 06, 2005
Audit of Controls Over the Nonresident Worker Application Process
October 18, 1999 through January 05, 2004

Date(s) of followup letter(s) sent : 3/13/06, 10/17/06, 2/6/07

Date(s) of response letter(s) received : 8/25/06

Recommendation 1 : Enforce section II B(3) of the DOL Alien Labor Rules and Regulations which requires the submission of Proof of Payment with other required documents.

Agency to Act : Department of Labor

Status : Closed

Agency Response : On 08/25/06, the Secretary of Labor provided OPA with a copy of the Standard Operating Procedure for Acceptance of Nonresident Workers Application for Filing (SOP) which was distributed to all Labor Processing staff on June 2005 and on April 2006. The copy of the SOP provided to OPA is sufficient to close this recommendation.

Recommendation 2 : Direct that managers and supervisors responsible for reviewing and approving do not also receive and input applications.

Agency to Act : Department of Labor

Status : Closed

Agency Response : On 08/25/06, the Secretary of Labor provided OPA with a copy of the Standard Operating Procedure for Acceptance of Nonresident Workers Application for Filing (SOP) which was distributed to all Labor Processing staff on June 2005 and on April 2006. The copy of the SOP provided to OPA is sufficient to close this recommendation.

Recommendation 3 : In collaboration with the DOF, establish controls for periodic comparison between the fees reflected on the DOL's records and the fees actually collected as shown on DOF's records so that corrective actions can be taken if necessary.

Agency to Act : Department of Labor

Status : Resolved - Active

Agency Response : Daily summaries for fees actually collected will be requested from the DOF. The DOL will use the summaries to compare the fees actually collected as shown on DOF's records as shown against the fees that should have been collected as per the DOL's records and discrepancies, if any, will be investigated.

In his letter dated 8/25/06, the Secretary of Labor informed OPA that he had met with the Secretary of Finance to discuss actions for implementing this recommendation. He stated that procedures are yet to be established and that another meeting will be held to resume discussions. He also stated that due to staff shortage, it may be necessary to close the Processing window early in order to carry out the comparison as recommended by OPA. The Secretary of Labor will be updating OPA on this issue after he meets with the Secretary of Finance.

Additional Information or Action Required : DOL should provide OPA a copy of the controls or procedures established in collaboration with DOF for periodic comparison between the fees reflected on the DOL's records and the fees actually collected as shown on DOF's records.

Recommendation 4 : Recover uncollected fees of \$330,835 from Company A and \$181, 575 from Company B.

Agency to Act : Department of Labor

Status : Resolved - Active

Agency Response : In his letter dated 8/25/06, the Secretary of Labor informed OPA that the on-going investigation in this matter is nearly complete. The Secretary of Labor will keep OPA apprised of any new developments in this investigation.

Additional Information or Action Required : DOL should keep OPA informed on the progress of this recommendation.

Department of Land and Natural Resources

Report No. LT-00-04 issued June 7, 2000

Division of Fish and Wildlife (DFW)

Audit of Two DFW Employees' Time and Attendance and Whether their Arrangement with DFW was Consistent with the Pacific Islands Education Initiative

Date(s) of followup letter(s) sent : 7/6/00, 1/24/01, 8/20/01, 3/4/02, 8/9/02, 2/12/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/10/06, 7/27/06 (Follow-up letter issued by Governor's Office)

Date(s) of response letter(s) received : 10/31/00 (meeting with Coordinating Group on DLNR), 9/6/02, 9/13/02 (meeting with DFW Director), 9/16/02 (DFW), 9/25/02 (DFW), 2/18/03 (DLNR), 5/27/04 (DFW), 8/30/06 (Response to Governor's Office)

Recommendation 3 : The DFW Director should develop a special educational leave program in accordance with the MOU to be approved by the grantor. Also, the Director must ensure that DFW is in compliance with the provisions of the various grants, in order to assure continued federal support.

Agency to Act : Department of Lands and Natural Resources

Status : Closed

Agency Response : On 9/25/02, DFW provided OPA with a copy of the proposed rules and regulations currently being developed with the assistance of the Northern Mariana Islands Scholarship Program that provides guidelines on how the Pacific Island Education Initiative (PIEI) should be administered as far as recruitment and selection process are concerned.

In his response dated 2/18/03, the Secretary of DLNR stated that the draft rules and regulations on the recruitment and selection process for the PIEI is anticipated to be finalized in the next sixty days with the U.S. Fish and Wildlife Service. The federal grantor agency will provide their written approval shortly thereafter.

In his 5/27/04 response, the DFW Director informed OPA that the pending matter in regards to the Pacific Education Initiative Program has already been completed and is presently being reviewed for approval by their Region 1 Chief Officer of the U.S. Fish and Wildlife.

In his letter to the Special Legal Counsel for the Governor's Office dated 8/30/06, the Secretary of DLNR stated that the proposed rules and regulations on how the PIEI was to be administered with regards to recruitment and selective process of candidates failed to meet all the requirements. Furthermore, the U.S. Fish and Wildlife Service notified the division that they had stopped the PIEI Program and would no longer provide funds to sponsor qualified candidates to obtain post-secondary education. Based on the documents provided to OPA this recommendation is now considered closed.

Department of Public Health

Report No. LT-99-06 issued August 18, 1999 Audit of DPH's Granting of Unequal Salaries to Social Worker Employees

Date(s) of followup letter(s) sent : 11/23/99 (DPH), 11/26/99 (OPM), 2/28/00 (OPM), 7/6/00 (DPH) (OPM), 1/30/01, 8/22/01, 3/8/02 (DPH), 8/9/02, 2/13/03, 8/4/03, 4/13/04, 9/28/04, 2/15/05, 8/9/05, 3/9/06, 10/13/06

Date(s) of response letter(s) received : 12/20/99 (OPM), 12/22/99 (DPH), 11/14/00 (meeting with Coordinating Group on DPH), 10/22/01 (DPH), 6/8/04, 8/2/06

Recommendation 3 : The Secretary of Public Health should ensure that DPH employees are compensated equitably. The salaries of the three social worker employees should be adjusted to reflect the appropriate salaries based on their qualifications and responsibilities.

As Revised: The Secretary of Public Health should review the salary structure of DPH and propose a revised salary structure for review by OPM and for approval by the Civil Service Commission (CSC).

Agency to Act : Department of Public Health

Status : Closed

Agency Response : During the 11/14/00 meeting with the Coordinating Group, the DPH Secretary presented an alternative action to address this recommendation which is to revise the salary structure of DPH to address the salary inequity and DPH's concerns about attracting upcoming college graduates to work for the department. DPH will present a proposed salary structure for review by OPM and for approval by CSC. OPA agreed to this alternative action suggested by the DPH Secretary.

In his 10/22/01 response, the DPH Secretary informed OPA that the Director of the Community and Guidance Center has completed the proposed salary structure of social workers and submitted it to the CHC Human Resources for review. DPH will submit the proposed salary structure to CSC no later than 10/31/01. When approved by CSC, DPH will provide OPA a copy.

On 6/8/04, the Secretary of Public Health informed OPA that the DPH Community Guidance Center will present an alternative action to address their concerns to OPM which is to propose a new class reassignment for all social worker classes in order to attract up-coming graduates to work for DPH. DPH is hoping that OPM and CSC will support their proposal for a new class reassignment for all social worker classes for DPH. (Upon verification with OPM, a new class reassignment is similar to a revised salary structure which OPA had previously agreed to as an alternative action).

On 8/2/06, the Secretary of Public Health provided OPA with a copy of the approved Class Reassignment/Higher Pay Level for all Social Worker Positions from the former Director of Personnel. The Secretary of Public Health also stated that with the implementation of the class reassignment, the pay level for all Social Worker positions have been moved up two steps from the old pay level as well as amendment in the Minimum Qualification Requirement (MQR) for the positions. Based on the information provided to OPA this recommendation is now considered closed.

**Report No. AR-05-03 issued August 12, 2005
Audit of the Marianas Hawaii Liaison Office
October 1, 1999 through December 31, 2002**

Date(s) of followup letter(s) sent : 3/9/06, 10/13/06, 2/6/07

Date(s) of response letter(s) received : 11/20/06, 6/20/07

Recommendation 20 : Require patient escorts to follow the MRPRR's requirements regarding filing TVs or, alternatively, amend the existing regulations to provide for a revised method of ensuring that travel and subsistence payments made to or for escorts are accurately paid, substantiated and verified.

Agency to Act : Department of Public Health

Status : Closed

Agency Response : On 6/20/07, OPA obtained a copy of the emergency amendments to the MRPRR suspending the payment of subsistence allowance payments to medical referral patients while in an outpatient status and suspending subsistence allowance payments to family/friend escorts. These emergency amendments were promulgated in the Commonwealth Register on November 30, 2006. As the subsistence allowance payments have been suspended for family/friend escorts, this recommendation is no longer applicable and is now considered closed.

Department of Public Lands

Report No. AR-95-18 issued October 10, 1995
Department of Public Lands (DPL)
(Formerly Marianas Public Lands Authority)
Audit of Credit Card and Related Travel Transactions

Date(s) of followup letter(s) sent : 9/18/98 (DLNR), 11/23/99, 1/26/99, 7/6/00 (DPL), 1/24/01 (DLNR), 8/23/01 (OPL), 8/12/02 (MPLA), 2/14/03, 8/4/03, 4/23/04, 9/21/04, 2/15/05, 8/9/05, 3/13/06, 9/29/06, 2/6/07

Date(s) of response letter(s) received : 10/21/99 (DPL), 10/31/00 (meeting with Coordinating Group on DLNR), 2/8/01 (DPL), 2/22/01, 8/30/01 (OPL), 9/28/01, 3/6/02 (MPLA), 8/19/02, 3/10/03, 6/7/04, 4/3/06 (request for extension), 4/11/06, 9/29/06

Recommendation 6 : The Secretary of DPL should instruct the current Comptroller to determine the correct balance of the travel advance account, and forward advances not reimbursed to DOF for collection. The remaining travel advance balances of cardholders/travelers still working for the Government should be recovered through salary deduction. For employees/officials who no longer work for the Government, the assistance of the Attorney General should be sought to collect the outstanding balances.

Agency to Act : Department of Public Lands (formerly Marianas Public Lands Authority)

Status : Resolved - Delinquent

Agency Response : On 3/4/04, a member of the 14th CNMI Legislature requested OPA to review documents relating to the status of the outstanding account balance of the former Rota board member. During the review, OPA discovered that some of the documents provided by the member of the 14th Legislature regarding the account balance of the former Rota Board member were not previously submitted by MPLA during OPA's periodic audit recommendation follow-up requests. OPA also discovered that the schedule of payments submitted did not incorporate interest computation.

On 7/21/05, the MPLA Commissioner provided OPA with a copy of the subsidiary ledgers maintained to record payments received from these former board members. The subsidiary ledgers provided incorporated interest computations on the outstanding balances for the former Board Chairman and former Rota Board member.

The status of accounts based on the above documents provided by the MPLA Commissioner are as follows:

Former Chairman of the Board - The account balance through 6/30/05 is \$25,393.86. The MPLA Commissioner stated that since the account is overdue, it would be forwarded to their Legal Counsel for further action.

Former Rota Board Member - The account balance through 6/30/05 is \$52,942.06. The MPLA Commissioner also stated that MPLA is attempting to have a lien put on the former Rota board member's property, and that if no property is pledged, MPLA will bring his account to their Legal Counsel for further action.

Former Tinian Board Member - Based on the stipulation to judgement and order in the civil case against the former Tinian Board member, a settlement agreement was entered for the Tinian Board member to pay the sum of \$11,657 in monthly installments of \$250 beginning January 15, 2000. On 9/29/06, OPA was provided a copy of the former Tinian Board member's account ledger showing that the Court Order in the amount of \$11,657 was fully paid as of October 28, 2004. Based on the account ledger provided to OPA, the part of the recommendation pertaining to the former Tinian Board member is considered closed.

On 4/11/06, DPL provided OPA with the updated subsidiary ledgers pertaining to the accounts listed above. Due to discrepancies found between the balances of these ledgers to the ledgers provided to OPA on July 21, 2005, OPA was unable to accurately ascertain the exact amount still to be recovered from the former Chairman of the Board and former Rota Board member . OPA will be contacting DPL to reconcile the balances. Aside from the account ledgers provided to OPA, DPL stated that the accounts of the former Board Chairman and former Rota Board Member are seriously delinquent. Their accounts will be forwarded to their in-house Legal Counsel for legal action and to obtain some collateral.

**Additional Information/
Action Required** :

DPL should continue to provide OPA with the updated ledgers of the accounts for the three former board members as well as an update on possible legal proceedings to be taken against the former board chairman and the former Tinian board member. Additionally, DPL should inform OPA of the results of DPL's attempt to have the former Rota board member lien his property and subsequent action if no property is pledged by the former Rota Board Member.

**Report No. AR-00-04 issued November 22, 2000
Department of Public Lands
(Formerly Marianas Public Lands Authority)
Audit of Collection of Rentals on Land Leases with Quarries
For Six Lease Years from 1990 to 1995**

Date(s) of followup letter(s) sent : 9/18/98 (DLNR), 11/23/99, 1/26/99, 7/6/00 (DPL), 1/24/01 (DLNR), 8/23/01 (OPL), 8/12/02 (MPLA), 2/14/03, 8/4/03, 4/23/04 (BMPLA), 9/21/04, 2/15/05, 8/9/05, 3/13/06 (DPL), 9/29/06, 2/6/07

Date(s) of response letter(s) received : 10/21/99 (DPL), 10/31/00 (meeting with Coordinating Group on DLNR), 2/8/01 (DPL), 2/22/01, 8/30/01 (OPL), 9/28/01, 3/6/02 (MPLA), 8/19/02, 3/10/03, 6/8/04, 4/11/06

Recommendation 2 : The DPL Secretary should take steps to collect the \$4.69 million in underpayment of rentals (including interest) on land leases with 8 quarries, and refer those lessees who refuse to pay to the Attorney General's office for legal action.

Agency to Act : Department of Public Lands (formerly addressed to the Board of Marianas Public Lands Authority)

Status : Resolved - Delinquent

Agency Response : After billings were sent to eight quarry operators to collect \$4,690,707.81 in underpaid rentals, Quarry Operator H paid \$789.87 as full payment while \$946,967.58 owed by Quarry Operator B was written off due to bankruptcy.

Four additional Quarry Operators accounts were also considered fully recovered and closed based on OPA's 8/12/04 review of their subsidiary ledgers showing account balances through 5/31/04. These Quarry Operators are: Quarry Operator C of which amount recoverable of \$5,384.25 has been fully recovered, Quarry Operator D of which amount recoverable of \$424,083.85 has been fully recovered, Quarry Operator E of which amount recoverable of \$379,486.51 has been fully recovered, and Quarry Operator G of which amount recoverable of \$27,585.74 has been fully recovered. (OPA's review of the subsidiary ledgers for these four Quarry Operators showed that their account balances included additional rentals and interest which may have increased their receivable, however, OPA applied total payments and adjustments through 5/31/04 to their 1995 balance per OPA's FY2000 audit). For the remaining two Quarry Operators (Quarry Operators A and F), DPL should continue to pursue collection of \$2,906,410.01 in underpaid lease rentals and interest.

On 4/11/06, the DPL Chief Financial Officer provided OPA with a copy of the subsidiary ledgers showing the account balances for the remaining two quarry operators through 4/10/06 as follows.

Quarry Operator A - Amount recoverable per FY2000 audit is \$2,753,839.88 as of FY1995. Based on DPL records, additional rentals and interest of \$1,826,829.25 increased the receivable to \$4,580,669.13 as of April 2006. Within 2001 to 2005, only \$4,987.50 was paid by Quarry Operator A. Thus, if payments were applied against the old balance, the amount still to be recovered from the 1995 balance is still \$2,748,852. According to the DPL Chief Financial Officer, the account of Quarry Operator A will be forwarded to their in-house Legal Counsel to pursue legal action and obtain some collateral.

Quarry Operator F - Amount recoverable per FY2000 audit is \$152,570.13 as of FY1995. Based on MPLA records, additional rentals and interest of \$708,407.31 increased the receivable to \$860,977.44 as of May 2004. Payments and adjustments as of 5/31/04 totaled \$54,429.25. Thus, if payments and adjustments were applied against the 1995 balance, the amount still to be recovered is \$98,140.88.

In his 4/11/06 update, the DPL Chief Financial Officer provided OPA incomplete subsidiary ledgers for Quarry Operator F. Therefore, OPA is unable to ascertain total amount collected as of April 2006. Total amount to be recovered of \$98,140.88, therefore, remains unchanged from the previous audit tracking report. The DPL Chief Financial Officer informed OPA, however, that there has been no movement in Quarry Operator F's account. DPL will be forwarding this account to their in-house Legal Counsel to pursue legal action and obtain some collateral.

**Additional Information
or Action Required**

DPL should continue to update OPA on the status of accounts for Quarry Operators A and F and provide subsidiary ledgers to support account balances and total payments made by these two Quarry Operators.

Recommendation 5

The DPL Secretary should send letters to lessees who misinterpreted certain provisions of the lease agreements/permits and incorrectly computed required rentals, clarifying for them the proper interpretation of material subject to royalty or gross receipts rent, and the common errors noted such as not implementing rate increases on the anniversary dates of lease agreements.

Agency to Act

Department of Public Lands (formerly addressed to the Board of Marianas Public Lands Authority)

Status

Resolved - Delinquent

Agency Response

OPA was provided with a 9/15/00 letter sent by DPL to quarry operator E evidencing communication as to the audit finding on its quarry operations. Another quarry operator, quarry operator H, fully paid its amount due to DPL, so there is no need to send it a letter. We consider the part of the recommendation pertaining to quarry operators E and H closed.

On 12/18/01, OPA was provided with a 3/13/01 letter sent by MPLA to quarry operator G clarifying the proper interpretation of material subject to royalty or gross receipts rent, and the common errors noted such as not implementing rate increases on the anniversary dates of lease agreements. Based on the response provided, we consider the part of the recommendation pertaining to quarry operator G closed.

In her response letter dated 8/19/02, the Commissioner informed OPA that MPLA has not yet sent a letter to Quarry Operator F pending an investigation of the permittee's land exchange claim.

The response submitted by the Commissioner of MPLA dated 3/10/03 did not address this recommendation.

In his response dated 6/8/04, the MPLA Comptroller stated that although Quarry Operator F was involved in a land exchange during the time, MPLA should have notified the lessee about the results of the OPA audit which uncovered revenues of \$115,210.11. The Comptroller provided OPA with a copy of the memorandum he had addressed to the Commissioner requesting him to send a letter notifying Quarry Operator F to this effect.

In his letter dated 4/11/06 DPL Chief Financial Officer stated that in part, this recommendation is connected to recommendation 2 regarding Quarry Operator F. He further stated that he was going to schedule a meeting with Quarry Operator F to discuss the recognition of royalty revenue, and that he would update OPA with the results of the meeting.

Additional Information or Action Required : DPL should Provide OPA copies of documents evidencing communication with the remaining lessee, *i.e.* Quarry Operator F.

**Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions**

Date(s) of followup letter(s) sent : 3/13/06, 9/29/06, 2/6/07

Date(s) of response letter(s) received : 4/11/06

Recommendation 6 : The Department of Public Lands should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Department of Public Lands (formerly Marianas Public Lands Authority)

Status : Open - Delinquent

Agency Response : In his response dated 4/11/06, the DPL Chief Financial Officer informed OPA that through the enactment of Public Law 15-2, all funds of the Department of Public Lands except the frozen funds at Bank of Saipan have been deposited into an FDIC insured institution. He further stated that the funds that are at Bank of Saipan are under a depository agreement and that the agreement reveals the collateralization of the funds.

Additional Information or Action Required : The Department of Public Lands should provide OPA with documentation that DPL Funds are fully secured in accordance with the Government Deposit Safety Act.

Report No. AR-05-04 issued September 21, 2005
Audit of the Department of Public Safety's
Evidence Controls
through June 2004

Date(s) of followup letter(s) sent : 3/7/06, 9/25/06, 2/7/07
Date(s) of response letter(s) received : 3/30/06, 11/8/06

Recommendation 1 : The DPS should develop and implement a plan of action to address evidence presently in DPS custody. OPA encourages DPS to consult, as appropriate or necessary, with agencies such as the AGO, FBI, US Attorney's Office, Office of the Public Defender, CNMI Judiciary, and CNMI Bar Association. This plan of action should include, at a minimum, the following:

- a. Conducting a physical inventory to determine the actual quantity, classification and condition of evidence;
- b. Reconciliation of the physical inventory list with existing COCs or other evidence listings;
- c. Segregation of items to be disposed, disposal of evidence in accordance with laws and regulations, and proper documentation of all disposals;
- d. Implementation of an evidence tracking system; and
- e. Evaluation of the condition of the existing evidence storage facility and equipment and the implementation of necessary controls and improvements.

Agency to Act : Department of Public Safety

Status : Open - Delinquent

Agency Response : In his letter response to OPA's draft audit report dated 9/6/05, the Deputy Commissioner informed OPA that he agrees with most of the findings of the audit conducted and is aware of the issues that need immediate attention and correction for deficiencies. Accordingly, he has instructed one of the Sergeants to begin assessing the following: bars on windows; bar door to main entrance; bars to cover gap; assess bio-hazard chemicals in refrigerator; procure additional refrigerator; restart master list; labeling shelves; one location for COC; and procure aircondition for CST (purchase requisition enroute).

On 1/12/06, OPA staff performed a walkthrough of the new evidence storage facility as requested by DPS. During the walkthrough, OPA staff identified surrounding areas to have been renovated as follows: evidence receiving areas for submission of evidence; 17 separate rooms to house the different types of evidence; key-pad entry for all doors; air-conditioning in every room; back-up generator of up to 24 hours; and security camera system located around perimeter and inner rooms/halls, with records kept for three months. OPA was also informed that new refrigerators for bio-hazard materials have been ordered and a six-foot perimeter fence will be installed around the facility. Based on OPA's observation of the new evidence storage facility, recommendation 1 (e) is now considered closed.

OPA was also informed by DPS during the walkthrough of the new evidence storage facility that DPS is in the process of creating a task force to develop an evidence tracking system. Two personnel from the Guam Police Department's evidence storage facility are scheduled to assist DPS in developing its tracking system and transferring the evidence temporarily stored in two containers into the newly renovated facility. Plans for an additional facility that will be used to store general items of evidence is also being considered. Based on the information provided, OPA considers recommendation 1 (a through d) resolved.

In his letter dated 3/30/06, the CIB Commander stated that due to the organizational restructuring of the CIB, the ongoing project at the evidence room has been delayed. However, he stated that the evidence custodian with the assistance of the Crime Scene Investigators are currently conducting a physical inventory and creating a data base for all evidence materials with respect to items a through d of this recommendation. In addition, he stated that they are also coordinating with the Attorney General's Office to decide what to do with all evidence materials that are no longer needed.

The CIB Commander also informed OPA that their plan to bring in two personnel from the Guam Police Department (GPD) to assist DPS with the creation of an evidence tracking system has been put on hold and most likely will not materialize. This was a result of a recent discovery by GPD that they too are experiencing problems with respect to their handling of evidence. The CIB Commander also informed OPA of a \$48,000 grant which was recently awarded to them under the Justice Assistance Grant for Crime Scene Investigation (CSI) Enhancement Project. He further stated that this money will be used to purchase programs and equipment to aid them in the tracking of evidence.

The response letter from the Sergeant/Evidence Custodial Unit Supervisor dated 11/8/06 did not separately address this recommendation.

OPA Response: There was no follow-up reply to what DPS stated as its course of action in 3/30/06. As for the inventory of items gathered prior to 2006 the process still has not been completed. Thus, DPS has still to inform us about the target completion date.

**Additional Information
or Action Required :**

DPS should provide OPA with a time line for the estimated completion date for addressing items a through d of recommendation 1, as well as documentation to evidence that this recommendation has been addressed. Furthermore, DPS should inform OPA about the developments related to the \$48,000 grant mentioned in 3/30/06.

Recommendation 2 :

Adopt and implement amendments to DPS policies and procedures regarding the receipt, storage and management of evidence. When developing these policies and procedures, OPA encourages DPS to refer to (1) established industry standards, such as those created by the CALEA or the IAPE, and (2) policies and procedures of established law enforcement agencies, such as the HPD. These policies and procedures should be in writing, be applicable department-wide, and, at a minimum, address the following:

- a. Deadline for submission of evidence;
- b. Temporary storage of evidence;
- c. Required documentation for the collection, transfer and storage of evidence;
- d. Classification, segregation, security, and disposal of evidence;
- e. Structural measures and management controls over the evidence storage facility;
- f. Duties and responsibilities of the Evidence Custodian and any alternate(s);
- g. Prohibition of incompatible duties for evidence room personnel; and
- h. Periodic inspections, inventory and reports.

Agency to Act :

Department of Public Safety

Status :

Open - Delinquent

Agency Response :

In his letter response to OPA's draft audit report dated 9/6/05, the Deputy Commissioner informed OPA that he agrees with most of the findings of the audit conducted and is aware of the issues that need immediate attention and correction for deficiencies.

On 1/12/06, OPA staff performed a walkthrough of the new evidence storage facility as requested by DPS. During the walkthrough, OPA was informed that DPS is in the process of creating a task force to develop a Standard Operating Procedures (SOP) manual over evidence controls and that a government attorney will be assigned to take part on the development of the SOP.

In his letter dated 3/30/06, the CIB Commander stated their legal counsel was in the process of reviewing the Honolulu Police Department's evidence policy to use as a model for DPS when he was transferred unexpectedly. The Commander stated that he will be working with their new legal counsel on this matter. He further stated that the Commissioner has indicated his desire to incorporate some items from the military evidence policy to DPS's policy.

The response letter from the Sergeant/Evidence Custodial Unit Supervisor dated 11/8/06 did not separately address this recommendation.

OPA Response: The Evidence Custodial Unit Supervisor stated what they are doing at present but there is not mention of a comprehensive written manual.

**Additional Information
or Action Required :**

DPS should provide OPA with a copy of the written amendments to its policies and procedures applicable department-wide regarding the receipt, storage and management of evidence adopted by DPS. These policies and procedures should address items a through h of recommendation 2.

Office of Personnel Management

Report No. AR-05-03 issued August 12, 2005
Audit of Marianas Hawaii Liaison Office
October 1, 1999 through December 31, 2002

Date(s) of followup letter(s) sent : 3/9/06

Date(s) of response letter(s) received : 9/13/06

Recommendation 19 : Establish a written procedure instructing staff to verify the point of recruitment of employees to determine entitlement to housing allowance. Such procedure may require agencies to document employees' residency when hired or verify employee's present address as stated on the application form.

Agency to Act : Office of Personnel Management

Status : Closed

Agency Response : In her letter dated 9/13/06, the Director of Personnel provided OPA copy of approved Policy and Procedure No. 1026-106 to address "Housing or Housing Allowance Benefit for Authorized Government Employees". OPA was also provided a copy of the memorandum issued to all department and activity heads directing them to read and utilize these new policies and procedures. Based on the documents provided, this recommendation is now considered closed.

Municipalities

Tinian Mayor's Office

Tinian Mayor's Office

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/13/06, 9/25/06

Date(s) of response letter(s) received : 7/18/06

Recommendation 13 : The Tinian Mayor's Office should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Tinian Mayor's Office

Status : Closed

Agency Response : In his response dated 7/18/06, the Mayor of the Municipality of Tinian and Aguigan provided OPA a copy of the adopted Municipal Deposit Policy Statement which addresses the issue of the security of public funds. Therefore, based on the documents provided to OPA, this recommendation is now considered closed.

Autonomous Agencies

Commonwealth Development Authority
Commonwealth Government Employees Credit Union
Commonwealth Ports Authority
Commonwealth Utilities Corporation
Marianas Hawaii Liaison Office
Marianas Visitors Authority
Northern Marianas College
Northern Mariana Islands Retirement Fund
Public School System

Commonwealth Development Authority

Report No. AR-05-01 issued March 3, 2005 Audit of the Security of CNMI Government Funds Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/10/06, 7/24/06 (follow-up letter issued by Governor's Office), 10/3/06

Date(s) of response letter(s) received : 8/3/05, 7/26/06 (response to Governor's Office)

Recommendation 2 : The Commonwealth Development Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Commonwealth Development Authority

Status : Closed

Agency Response : OPA was provided with a copy of Resolution CDA 2005-004 which adopts a formal policy for the security of operating and liquidity funds held and managed by CDA. The copy of Resolution CDA 2005-004 provided to OPA is sufficient to close this recommendation.

Recommendation II : The Northern Mariana Housing Corporation should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Northern Mariana Housing Corporation

Status : Closed

Agency Response : In her letter response dated 3/7/05, NMHC Executive Director informed OPA that they do not have any monies deposited in non-FDIC insured banks or institutions. In a telephone conversation with their Chief Accountant, OPA was informed that their legal counsel is currently working on their policies and procedures regarding this issue and that a copy will be made available to OPA as soon as it is finalized. OPA informed him that until such time that a copy is provided, this recommendation will remain open.

OPA was provided with a copy of Resolution No. 55 which adopts a formal policy for the investment and security of funds held and managed by NMHC. The copy of Resolution No. 55 provided to OPA is sufficient to close this recommendation.

Commonwealth Government Employees Credit Union

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/10/06, 9/26/06, 2/6/07
Date(s) of response letter(s) received : 3/14/06, 3/14/06 (telephone conversation), 4/5/06 (telephone follow-up), 3/5/07

Recommendation 3 : The Commonwealth Government Employees' Credit Union should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Commonwealth Government Employees' Credit Union

Status : Closed

Agency Response : On 3/5/07, OPA was provided a copy of Board Resolution 06-003 adopted by the CGECU Board of Directors on 2/23/06 amending Article XI, Section 3 and Article XIII, Section 4 of its Bylaws requiring all regular and special reserves of the Credit Union, and all other cash or monetary instruments, shall be deposited only in Federal Deposit Insurance Corporation Banks. Based on Board Resolution 06-003 provided to OPA the recommendation is now considered closed.

Commonwealth Ports Authority

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/7/06, 9/25/06, 2/14/07

Date(s) of response letter(s) received :

Recommendation 4 : The Commonwealth Ports Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Commonwealth Ports Authority

Status : Open - Delinquent

Agency Response : No response to date.

Additional Information or Action Required : The CPA should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

Commonwealth Utilities Corporation

**Report No. AR-02-01 issued August 27, 2002
Commonwealth Utilities Corporation
Audit of Small Purchases
from October 1999 through March 2001**

Date(s) of followup letter(s) sent : 2/14/03, 9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/6/07
Date(s) of response letter(s) received : 10/17/03, 10/29/04, 3/16/05, 8/24/05, 3/27/06 (request for extension), 4/11/06, 11/9/06

-
- Recommendation I** : The CUC Board should amend CUC's Procurement Regulations to include:
- (a) a clear definition of artificial division of purchases or split purchases;
 - (b) the procurement method to be followed in special circumstances, such as for urgently needed goods or services;
 - (c) an exception to the required 3 quotations when the number of available suppliers is very limited.
- Agency to Act** : Commonwealth Utilities Corporation
- Status** : Resolved - Active
- Agency Response** : On 10/17/03, the CUC Executive Director provided OPA with the following proposed policies, forms, and amendments to the CUC Procurement Regulations which are now with the CUC Board for their review, adoption, and promulgation.
- Split Purchases* - CUC has proposed amendments to the CUC Procurement Regulations regarding split purchases which provided clear definition of split purchases and guidance for determining the existence of such type of procurement.
- Emergency Procurement* - CUC has proposed amendments to the CUC Procurement Regulations regarding emergency procurement which specifies conditions for use, procedures, documentation, and authorizations required for such type of procurement.
- Sole Source Procurement* - CUC has designed a Sole Source Justification Form to document the procurement method when CUC cannot obtain three quotations because of special circumstances.
- On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the Proposed Amendments to the Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement on 10/7/04 and is in the process of promulgating the said amendments.
- On 3/16/05, the CUC Executive Director advised OPA that the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement will be submitted to the Attorney General's Office for review by April 15, 2005.
- In her response letter dated 8/24/05, the Executive Director Stated that CUC is in the process of finalizing all the necessary documents to promulgate the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement.

In his response dated 4/11/06, the CUC Acting Executive Director informed OPA that the CUC management is currently assessing its plan of actions to address outstanding OPA recommendations given its current organizational structure under the Department of Public Works. He further noted that the CUC management will be working with the Attorney General's Office to settle recommendations stated in the OPA audit reports and that information regarding the status of such recommendations will be forwarded to OPA as they become available.

In his response dated 11/9/06, the Executive Director informed OPA that after careful review of the former Board's approved changes to the Procurement and Personnel Regulations (PPR), CUC found that they are unable to submit the approved changes to the PPR in its current form to the Attorney General's Office for promulgation. Specifically, CUC needs to ensure that the Board approved PPR conforms to the Executive Order issued by the Governor. He also stated in his letter that CUC and its Legal Counsel are reviewing if the Executive Order allows for the involvement of the Advisory Board created by the Executive Order. Once these matters are resolved, CUC will promptly act to promulgate the regulations to address OPA's recommendation.

**Additional Information
or Action Required :**

CUC should continue to update OPA on its efforts in promulgating amendments to the PPR. Once promulgated, CUC should provide OPA with an official copy of the amendments to its Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement promulgated as regulations.

Recommendation 2 :

The CUC Board should adopt policies and procedures for small purchases that:

1. provided adequate guidance to CUC employees on determining split purchases or artificially divided purchases;
2. define the coverage of emergency procurement under the after-the-fact procurement method specified in the CUC Comptroller's memorandum dated October 24, 2001;
3. provide procedures for identifying and documenting actual or potential conflicts of interest, including procedures for ensuring that conflicted employees recuse themselves from participating in the procurement process.

Agency to Act :

Commonwealth Utilities Corporation

Status :

Resolved - Active

Agency Response :

On 10/17/03, the CUC Executive Director provided OPA with the following proposed policies, forms, and amendments to the CUC Procurement Regulations which are now with the CUC Board for their review, adoption, and promulgation.

Split Purchases - CUC has proposed amendments to the CUC Procurement Regulations regarding split purchases which provided clear definition of split purchases and guidance for determining the existence of such type of procurement.

After-the-Fact Purchase Orders - CUC has drafted a proposed policy on after-the-fact purchase orders viewing it as a serious matter and with the ultimate goal of eliminating it. Only in emergency situations may the corporation ratify after-the-fact purchases as commitments which are governed by applicable emergency procurement regulations.

Conflict of Interest - In a memorandum dated 10/17/03, the CUC Executive Director instructed the CUC Procurement Manager to advise all employees involved in the procurement process to observe CUC's policy on conflict of interest. CUC has proposed a Disclosure Statement Form which will require all concerned to disclose any substantial interest that employees or their relative have in any CUC procurement matter. The CUC Procurement Manager was also instructed to coordinate with OPA to provide annual Government Ethics training for its staff.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the Proposed Amendments to the Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form and is in the process of promulgating the said rules and regulations.

On 3/16/05, the CUC Executive Director advised OPA that the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form will be submitted to the Attorney General's Office for review by April 15, 2005.

In her response letter dated 8/24/05, the Executive Director Stated that CUC is in the process of finalizing all the necessary documents to promulgate the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form.

In his response dated 4/11/06, the CUC Acting Executive Director informed OPA that the CUC management is currently assessing its plan of actions to address outstanding OPA recommendations given its current organizational structure under the Department of Public Works. He further noted that the CUC management will be working with the Attorney General's Office to settle recommendations stated in the OPA audit reports and that information regarding the status of such recommendations will be forwarded to OPA as they become available.

In his response dated 11/9/06, the Executive Director informed OPA that after careful review of the former Board's approved changes to the Procurement and Personnel Regulations (PPR), CUC found that they are unable to submit the approved changes to the PPR in its current form to the Attorney General's Office for promulgation. Specifically, CUC needs to ensure that the Board approved PPR conforms to the Executive Order issued by the Governor. He also stated in his letter that CUC and its Legal Counsel are reviewing if the Executive Order allows for the involvement of the Advisory Board created by the Executive Order. Once these matters are resolved, CUC will promptly act to promulgate the regulations to address OPA's recommendation.

**Additional Information
or Action Required :**

CUC should provide OPA with a copy of the official amendments to its Procurement Rules and Regulations addressing split purchases, after the fact purchase orders, and disclosure statement form promulgated as regulations.

**Report No. AR-03-01 issued January 15, 2003
Commonwealth Utilities Corporation
Audit of Personnel Hiring
from October 1, 1999 through July 15, 2001**

Date(s) of followup letter(s) sent : 9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/6/07

Date(s) of response letter(s) received : 2/21/03, 10/17/03, 10/29/04, 3/16/05, 8/24/05, 3/27/06 (request for extension), 4/11/06, 11/9/06

Recommendation I : Continue the effort to develop and adopt comprehensive personnel rules and regulations. If it determines that limited term appointments are necessary for CUC operation, it should define its practice in the proposed personnel regulations.

Agency to Act : Commonwealth Utilities Corporation

Status : Resolved - Active

Agency Response : In her response dated 10/17/03, the CUC Executive Director stated that the Board's Personnel Committee is pursuing the revision of their existing Personnel Rules and Regulations to be presented to the Board for approval and for promulgation as CUC Regulations. OPA was provided a copy of the Executive Director's letter to the Board dated 10/2/03 requesting action on this matter.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the proposed CUC Human Resources Rules and Regulations on 10/7/04 and is in the process of promulgating the said rules and regulations.

On 3/16/05, the CUC Executive Director advised OPA that the revised Personnel Rules and Regulations will be brought back to the Personnel Committee for further review. Upon adoption of the necessary changes, the Corporation will pursue promulgation of the said revised rules and regulations.

In her letter response dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate its revised Personnel Rules and Regulations.

In his response dated 4/11/06, the CUC Acting Executive Director informed OPA that the CUC management is currently assessing its plan of actions to address outstanding OPA recommendations given its current organizational structure under the Department of Public Works. He further noted that the CUC management will be working with the Attorney General's Office to settle recommendations stated in the OPA audit reports and that information regarding the status of such recommendations will be forwarded to OPA as they become available.

In his response dated 11/9/06, the Executive Director informed OPA that after careful review of the former Board's approved changes to the Procurement and Personnel Regulations (PPR), CUC found that they are unable to submit the approved changes to the PPR in its current form to the Attorney General's Office for promulgation. Specifically, CUC needs to ensure that the Board approved PPR conforms to the Executive Order issued by the Governor. He also stated in his letter that CUC and its Legal Counsel are reviewing if the Executive Order allows for the involvement of the Advisory Board created by the Executive Order. Once these matters are resolved, CUC will promptly act to promulgate the regulations to address OPA's recommendation.

Additional Information or Action Required : CUC should provide OPA with the official copy of the Human Resources Rules and Regulations promulgated as regulations.

**Report No. AR-03-02 issued January 22, 2003
Commonwealth Utilities Corporation
Audit of Premium Pay, Overtime, and Salary Increases
from October 1, 1999 through September 30, 2001**

Date(s) of followup letter(s) sent : 9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05, 3/10/06, 9/26/06, 2/6/07

Date(s) of response letter(s) received : 2/21/03, 10/17/03, 10/29/04, 3/16/05, 8/24/05, 3/27/06 (request for extension), 4/11/06, 11/9/06

Recommendation I : Develop and adopt Personnel Rules and Regulations to cover promotion and salary increase justifications, and the various forms of premium pay it plans to use, as well as to conform to the requirements of the Fair Labor Standards Act concerning computation of overtime.

Agency to Act : Commonwealth Utilities Corporation

Status : Resolved - Active

Agency Response : In her response dated 2/21/03, the CUC Executive Director informed OPA that the CUC Board of Directors adopted an interim manual for Human Resources Policies and Procedures (HRPP) on 12/27/02. Upon completion of its review from staff and management, the Board will adopt the manual in a final form and present it to the AGO for review and promulgation in the Commonwealth Register as a regulation. CUC is preparing to issue a solicitation for a firm to create new classification and compensation plans for reclassification for the Corporation. The HRPP will address the issues of promotion and provide for a competitive promotional process. The compensation plan will provide for step increases in salaries for employees. The

HRPP requires strict compliance with the Fair Labor Standards Act and it is CUC's intention that, with the concurrence of the consulting firm doing the compensation plan, CUC will eliminate premium pay and incorporate all aspects of any individual position which would impact compensation into the base salary. Based on the information provided, this recommendation is considered resolved until such time that the manual for HRPP is promulgated as regulations.

In her response dated 10/17/03, the CUC Executive Director stated that the Board's Personnel Committee is pursuing the revision of their existing Personnel Rules and Regulations to be presented to the Board for approval and for promulgation as CUC Regulations.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the proposed Human Resources Rules and Regulations on 10/7/04 and is in the process of promulgating the said rules and regulations.

On 3/16/05, the CUC Executive Director advised OPA that the revised Personnel Rules and Regulations will be brought back to the Personnel Committee for further review. Upon adoption of the necessary changes, the Corporation will pursue promulgation of the said revised rules and regulations.

In her letter response dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate its revised Personnel Rules and Regulations.

In his response dated 4/11/06, the CUC Acting Executive Director informed OPA that the CUC management is currently assessing its plan of actions to address outstanding OPA recommendations given its current organizational structure under the Department of Public Works. He further noted that the CUC management will be working with the Attorney General's Office to settle recommendations stated in the OPA audit reports and that information regarding the status of such recommendations will be forwarded to OPA as they become available.

In his response dated 11/9/06, the Executive Director informed OPA that after careful review of the former Board's approved changes to the Procurement and Personnel Regulations (PPR), CUC found that they are unable to submit the approved changes to the PPR in its current form to the Attorney General's Office for promulgation. Specifically, CUC needs to ensure that the Board approved PPR conforms to the Executive Order issued by the Governor. He also stated in his letter that CUC and its Legal Counsel are reviewing if the Executive Order allows for the involvement of the Advisory Board created by the Executive Order. Once these matters are resolved, CUC will promptly act to promulgate the regulations to address OPA's recommendation.

**Additional Information
or Action Required :**

CUC should provide OPA with the official copy of the Human Resources Rules and Regulations promulgated as regulations.

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/10/06, 9/26/06, 2/6/07

Date(s) of response letter(s) received : 3/27/06 (request for extension), 4/11/06, 11/9/06

Recommendation I : The Commonwealth Utilities Corporation should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Commonwealth Utilities Corporation

Status : Open - Delinquent

Agency Response : In his response dated 4/11/06, the CUC Acting Executive Director informed OPA that the CUC management is currently assessing its plan of actions to address outstanding OPA recommendations given its current organizational structure under the Department of Public Works. He further noted that the CUC management will be working with the Attorney General's Office to settle recommendations stated in the OPA audit reports and that information regarding the status of such recommendations will be forwarded to OPA as they become available.

Additional Information or Action Required : The CUC should provided OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

Marianas Hawaii Liaison Office

**Report No. AR-05-03 issued August 12, 2005
Audit of the Marianas Hawaii Liaison Office
October 1, 1999 through December 31, 2002**

Date(s) of followup letter(s) sent : 3/7/06, 9/25/06

Date(s) of response letter(s) received : 8/30/05, 10/2/06

Recommendation 7 : Consult with DOF to ensure that MHLO's official representation expenditures meet public purpose prior to expending public funds. MHLO should comply with DOF's Regulations for the Control of Public Funds to ensure that official representation expenditures are justified and the appropriate forms are submitted.

Agency to Act : Marianas Hawaii Liaison Office

Status : Closed

Agency Response : On 8/30/05, OPA was provided with a copy of MHLO's communication to the Secretary of Finance dated 8/29/05 requesting for clarification and guidance regarding official representation expenditures.

On 10/2/06, the Acting Liaison Officer of MHLO provided OPA with a copy of the letter from the Acting Secretary of Finance to the then Liaison Officer dated 4/3/06 regarding its request for clarification and guidance regarding official representation expenditures. The Acting Secretary of Finance stated that by the nature of their duties and responsibilities, the offices of the Governor and Lt. Governor are the only executive branch offices authorized to incur official representation expenses. As the MHLO is no longer authorized to incur official representation expenditures, this recommendation is now considered closed.

Marianas Visitors Authority

Report No. AR-05-01 issued March 3, 2005 Audit of the Security of CNMI Government Funds Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/7/06, 7/28/06 (issued by Governor's Office), 9/11/06 (letter approving extension by Governor's Office), 9/29/06, 2/7/07, 4/12/07 (telephone follow-up)

Date(s) of response letter(s) received : 8/28/06 (request to Governor's Office for extension), 3/6/07

Recommendation 8 : The Marianas Visitors Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Marianas Visitors Authority

Status : Resolve - Active

Agency Response : In his letter to the Acting Managing Director dated 7/28/06, the Special Legal Counsel for the Governor's Office requested a report from MVA regarding steps taken, or to be taken, to resolve this recommendation which was cited as delinquent in OPA's Audit Recommendation Tracking Report as of December 31, 2005. On 8/28/06, the Managing Director requested for an extension to respond in order to allow them to write up recommended policies and procedures. MVA's request for an extension was granted until the end of FY 2006 by the Special Legal Counsel. To date, OPA has not received a response from MVA.

In his response letter dated 3/16/07, the Managing Director of MVA informed OPA of its procedures when securing MVA's funds at a financial institution which include approval by the Board of Directors, monitoring of account balances to insure FDIC insurance compliance, and requests which must be made to banking institutions for a pledge security valued at 110% for balances exceeding \$100,000 in a given month. In a follow-up telephone conversation with the Chief Accountant, OPA was informed that such procedures have not yet been formalized in writing or officially adopted by the Board. OPA informed the Chief Accountant that to fully address the recommendation, MVA should provide OPA a copy of all current policies and procedures addressing the security of public funds formalized in writing and adopted by Board to ensure consistent application of such policies.

Additional Information or Action Required : The MVA should provide OPA with a copy of its adopted policies and procedures, and/or regulations to address the issue of the security of public funds.

Report No. AR-03-03 issued February 19, 2003
Northern Marianas College
Evaluation of the Facts and Circumstances Surrounding
the Termination of Employees

Date(s) of followup letter(s) sent : 8/1/03, 4/28/04, 9/27/04, 2/15/05, 8/8/05, 3/8/06, 9/26/06, 2/6/07
Date(s) of response letter(s) received : 4/1/03, 8/5/03, 6/7/04, 9/15/06 (Response to Governor's Office)

Recommendation 2 : The Board Chairman reiterate to Board members the need to thoroughly review policy level actions involving: (a) organizational structure in light of NMC goals and objectives as required by Board policy 1000, and (b) the establishment of faculties or staff as required by Board policy 1009.

Agency to Act : Northern Marianas College

Status : Closed

Agency Response : In his 8/5/03 response, the former NMC President stated that the Board has already initiated review and the entire Board is in the process of updating all policies, section at a time, using a model set of policies recommended by their WASC consultant adapted to the needs of the Commonwealth. OPA was provided a copy of the first section of revised policies which were approved by the Board in its regular June meeting. OPA was not informed, however, on how the Board has reviewed policy level actions involving organizational structure and the establishment of faculties or staff.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President stated that the College procured a Management Review Desk Audit which was completed in August 2005. This audit provided the basis for the development of a new organizational structure. During Fall Semester 2005 and Spring 2006, the management of NMC, in consultation with the Board of Regents reviewed the existing organizational structure for the College and was officially adopted by the institution in March 2006. OPA was provided a copy of the Management Review Desk Audit Report. Based on the documents provided to OPA, this recommendation is now considered closed.

Recommendation 3 : The Board Chairman and the President strongly consider strengthening processes in place for obtaining broader employee involvement in NMC decisions by implementing a policy to address it and thus comply with WASC accreditation standards.

Agency to Act : Northern Marianas College

Status : Closed

Agency Response : In his response dated 8/5/03, the former President stated that Governance is a matter for the WASC accreditation process. Their recent actions will be reviewed during their next self-study and WASC visitation. NMC has also implemented a new approach to governance over the last academic year by establishing a College Governance Assembly and three subordinate councils. The Board has not yet reviewed and updated its current policy on Governance.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

On 9/15/06, OPA was provided a copy of NMC's Board of Regents Board Policy No. 1025 on Institutional Governance. Board Policy No. 1025 addresses employee involvement in NMC decisions as it outlines the primary executive advisory group or the College Council which shall advise the President at regularly scheduled meetings on matters of policy formulation and revision; decision making; problem identification, analysis, and resolution; process review; information collection and distribution; and institutional planning and assessment. Furthermore, Policy No. 1025 recognizes organizations within NMC as decision-making bodies of the college. The copy of Board Policy No. 1025 provided to OPA is sufficient to close this recommendation.

Recommendation 4 : The President (a) document his reorganization with objectives, time-lines, and fiscal impact; (b) identify positions affected; (c) provide a mechanism to assess whether the results have met the redesigned organization's objectives; and (d) identify legal and human resource issues such as compliance with applicable laws, policy, and accreditation standards.

Agency to Act : Northern Marianas College

Status : Closed

Agency Response : In his response dated 8/5/03, the former President stated that these issues will be dealt with through the accreditation process in a timely and appropriate fashion during their upcoming self-study and accreditation visit.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President stated that the College procured a Management Review Desk Audit which was completed in August 2005. This audit provided the basis for the development of a new organizational structure. During Fall Semester 2005 and Spring 2006, the management of NMC, in consultation with the Board of Regents reviewed the existing organizational structure for the College and was officially adopted by the institution in March 2006. OPA was provided a copy of the Management Review Desk Audit Report. OPA was also provided a copy of its Action Plan/Status Report to address recommendations included in the Management Review Desk Audit. NMC's Action Plan/Status Report addresses OPA's recommendation, therefore, this recommendation is now considered closed.

Recommendation 5 : The Board Chairman review with the Board of Regents its policy on reductions-in-force (RIF), and clarify when RIF procedures should apply.

Agency to Act : Northern Marianas College

Status : Closed

Agency Response : In his response dated 8/5/03, the former President stated that the Board has already initiated review and the entire Board is in the process of updating all policies, section at a time, using a model set of policies recommended to them by their WASC consultant adapted to the needs of the Commonwealth. NMC will forward more policies as they are adopted.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

On 9/15/06, OPA was provided a copy of NMC's Board Policy 4358 which clarifies when Reduction in Force procedures should apply. Based on Board Policy 4358 provided to OPA, this recommendation is now considered closed.

Recommendation 6 : The President inquire with the Western Association for Schools and Colleges (WASC) as to whether or not the Administration Procedures Act should apply to NMC; if WASC determines that they should apply, the President should ensure that NMC policies are published as regulations as required by the Administrative Procedures Act; if WASC determines they do not apply, the President should bring this matter to the Board to propose legislation which would exclude NMC from the Act.

Agency to Act : Northern Marianas College

Status : Resolved - Delinquent

Agency Response : In the NMC Board of Regent's response prior to issuance of the final audit report, the Board agreed that NMC should follow the Administrative Procedures Act on future actions. In his 8/5/03 response, the former NMC President stated that the Board initially approved the first section of revised policies at its regular June meeting. These policies have been reviewed by the Chamorro/Carolinian Language Policy Commission as the initial step in the Administrative Procedures Act and will soon be published. OPA was provided a copy of the first section of revised policies that have already been adopted. NMC will forward more policies as they are adopted.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President stated that NMC has been working to ensure that all its revised policies and procedures are published in the Commonwealth Register. He also stated that NMC's lack of adequate personnel has hampered their ability to comply fully with this recommendation, but will continue to work towards full compliance with this recommendation.

Additional Information or Action Required : NMC should provide OPA with a copy of the revised policies published as regulations in the Commonwealth Register.

Recommendation 7 : The President seek legal determination as to whether four recent reassignments were made in accordance with Board policy and, if not, take appropriate action to rectify the situation.

Agency to Act : Northern Marianas College

Status : Closed

Agency Response : On 8/5/03, OPA was provided a copy of the legal decision rendered by its attorney dated 5/22/03 as to whether four assignments were made in accordance with Board policy. NMC's attorney ruled that two of the four reassignments violated NMC policy because they were not announced. NMC's attorney also recommended that the Board meet with the former President to arrive at a resolution of this violation.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President provided a copy of a recent Management Review Desk Audit conducted on NMC's operations. This audit serves as the basis for the new organizational structure adopted in March 2006. A copy of the College's Action Plan/Status Report which provides an overview of how the College is addressing the finding and recommendation was also provided to OPA. Therefore, based on the documents provided to OPA, this recommendation is now considered closed.

Recommendation 10 : The President and the Board consult with its legal counsel to determine the effect of the Civil Service Commission's decision on NMC employment status.

Agency to Act : Northern Marianas College

Status : Open - Delinquent

Agency Response : In his response dated 8/5/03, the NMC President stated that the Civil Service issue is still pending in the court.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President stated that the College continues to review this finding through its counsel as a recent court ruling concluded that NMC employees may be subject to the Civil Service Commission. NMC is appealing this ruling as WASC requires the College be autonomous in this regard. Additional information on this issue will be provided to OPA as it becomes available.

Additional Information or Action Required : NMC should provide OPA with the results of its appeal.

**Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions**

Date(s) of followup letter(s) sent : 3/8/06, 9/26/06, 2/6/07

Date(s) of response letter(s) received : 9/15/06 (Response to Governor's Office)

Recommendation 10 : The Northern Marianas College should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Northern Marianas College

Status : Open - Delinquent

Agency Response : In his response letter to the Special Legal Counsel for the Governor's Office dated 9/15/06, the Acting President stated that the College's policy is to maintain its funds in FDIC insured banks. The College currently does not have insurance coverage on deposits in excess of the \$100,000 FDIC coverage, but will explore additional insurance options available for amounts in excess of the FDIC coverage. Additional information will be provided to OPA as they become available.

OPA Response: OPA is unsure whether the College's policy for maintaining its funds in FDIC insured banks is a practice or a written policy adopted by the Board of Regents. If it is only a practice, NMC should document and adopt the policy in order to address OPA's recommendation. If the policy has already been documented and adopted, NMC should provide OPA a copy of the written policy for its review to formally close the recommendation.

**Additional Information
or Action Required :**

The NMC should provide OPA with a copy of the policies and procedures, and/or regulations to address the issues of the security of public funds.

Northern Mariana Islands Retirement Fund

Report No. LT-01-04 issued August 8, 2001

Northern Mariana Islands Retirement Fund Audit of Travel Outside the CNMI
from October 1996 Through March 2000

Date(s) of followup letter(s) sent : 3/5/02, 8/9/02, 2/18/03, 8/4/03, 4/16/04, 9/28/04, 2/15/05, 8/9/05
3/10/06, 10/17/06, 2/7/07

Date(s) of response letter(s) received : 7/22/03, 3/22/05, 8/14/06, 10/26/06

Recommendation 2 : The Fund Administrator should consistently enforce sanctions or other remedies for travel violations. Travelers with unliquidated advances should be denied additional travel advances; payroll deductions should be immediately implemented for travelers who fail to submit the required travel documents on time; and board members, especially those who are not government employees, should be required to immediately repay outstanding travel advances.

Agency to Act : Northern Mariana Islands Retirement Fund

Status : Resolved - Delinquent

Agency Response : NMIRF agreed with the recommendation and stated that erroneous and unnecessary travel reimbursements must be collected. The BOT will work with the Administrator towards identifying the travel violations and collecting from the travelers who owe the Fund.

On 7/22/03, the NMIRF Administrator provided OPA with a copy of the memorandum directed to the Fund Comptroller reminding him to strictly enforce the NMIRF Travel Policy that no further travel shall be authorized or permitted for a traveler who has failed to submit the proper vouchers from prior travel, until the vouchers are received and approved by the Administrator, and all outstanding travel advances cleared. He also authorized the Comptroller to deduct from payroll any amounts due from travelers and require Board of Trustees who are not part of the government payroll to immediately repay the advances when a completed travel voucher is submitted. OPA was not informed, however, of the expected date of when the scheduled overpayments will be collected.

In his response dated 3/22/05, the NMIRF Administrator stated that the Fund is strictly enforcing its travel policy and continuously reminds travelers to liquidate travel vouchers within 10 days after the culmination of official travels. The Fund also collected from travelers anything that was due from each individual traveler upon liquidation of advances.

On 8/14/06, the then NMIRF Administrator stated that no collection attempts have been initiated.

On 10/26/06, the NMIRF Administrator stated that a meeting was held with representatives from OPA, AGO, NMIRF, and CPA to discuss various options to recoup funds expended by the NMIRF Board of Trustees such as civil collection efforts, criminal prosecutions, and statutory revisions potentially allowing retiree pay garnishment. Concerning these options, the issue of statute of limitations and any applicable exceptions to this rule was also discussed. The group discussed with a consensus that the Attorney General had previously prioritized some recoupment actions and will make a test case for the exception to the statute of limitations. In the meantime, NMIRF will issue dunning letters to its previous Trustees.

Additional Information or Action Required : NMIRF is requested to provide OPA the status of collection of overpayments cited in the audit report. NMIRF should also provide OPA reasons, if any, for those overpayments that were not collected or resolved.

Recommendation 3 : The Fund Administrator should disallow the practice of using corporate credit cards for payment of hotel and car rentals. Corporate credit cards should be used to guarantee hotel and car reservations only, when and if required by vendors. In addition, a strict credit card policy should be adopted to limit the use of corporate credit cards.

Agency to Act : Northern Mariana Islands Retirement Fund

Status : Resolved - Delinquent

Agency Response : In his response dated 7/22/03, the NMIRF Administrator stated that NMIRF has a standing policy that "no individual traveler" (staff or Board of Trustees) shall be issued corporate credit cards. The Fund corporate credit card is used only to guarantee hotel and car reservations and for procuring supplies off-island, with appropriate measures taken for authorize personnel to place emergency order. OPA was not provided, however, with the written policy restricting the use of corporate credit card.

On 3/22/05, the NMIRF Administrator stated that the Fund maintains only one corporate credit card used only to guarantee hotel and car reservations, procure supplies outside the CNMI, and to place advertisements in magazines. The corporate credit card policies will be integrated into NMIRF's policies and procedures by the Fund Policies & Procedures Committee.

Additional Information or Action Required : NMIRF should provide OPA a copy of the written policies and procedures restricting the use of the corporate credit cards adopted by the Board.

Report No. AR-00-03 issued July 20, 2000
Commonwealth Ports Authority
Audit of the Compensatory Time Claimed and Retirement Benefits
Paid to Two Former Officials of the CPA

Date(s) of followup letter(s) sent : 1/17/01 (CPA), 1/19/01 (NMIRF), 8/20/01 (CPA), 8/21/01 (NMIRF), 3/5/02 (CPA) (NMIRF), 8/9/02 (CPA) (NMIRF), 8/12/02 (AGO), 10/3/02 (AGO), 12/24/02 (AGO), 2/14/03 (AGO) (CPA), 2/18/03 (NMIRF), 8/4/03 (NMIRF) (AGO), 4/13/04 (AGO), 4/16/04 (NMIRF), 9/21/04 (AGO), 9/28/04 (NMIRF), 2/15/05 (AGO) (NMIRF), 8/9/05 (AGO) (NMIRF), 3/10/06 (NMIRF) (AGO), 10/17/06 (NMIRF), 2/7/07

Date(s) of response letter(s) received : 8/31/01 (meeting with CPA), 10/4/01 (NMIRF letter of request for extension to respond until 11/3/01), 10/12/01 (CPA), 1/29/01, 2/12/02 (meeting with AGO), 8/12/02 (CPA request for extension), 8/30/02 (CPA), 9/25/02 (CPA), 4/2/03 (NMIRF), 7/22/03 (NMIRF), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/22/05 (NMIRF), 9/1/05 (AGO), 8/14/06 (NMIRF)

Recommendation 8 : The Fund Administrator should instruct his staff to recalculate and adjust the pension benefits of all other fund members by disregarding overtime and comptime hours that were considered as additional credited service.

Agency To Act : Northern Mariana Islands Retirement Fund

Status : Resolved - Delinquent

Agency Response : NMIRF obtained the legal opinion of AGO on whether overtime and compensatory time can be used to determine the benefit amount of a retirement annuity.

AGO, in its legal opinion dated 6/9/00, stated that overtime and compensatory time may not be used to calculate the amount of benefit, but only for determining eligibility for retirement. AGO also stated that overtime and compensatory time cannot be used to determine the amount of the benefit paid to a retiree by the Retirement Fund.

AGO recommended that re-calculation of benefits to affected members should be made, and the amount of overpayments should be determined. AGO further stated that members should be informed and advised of their right to appeal an adverse determination. If no appeal is filed, then the collection process must be undertaken by the NMIRF.

The Fund is in the process of determining which beneficiaries have been overpaid. Further actions will be taken after this determination, *i.e.*, informing affected beneficiaries, appeal and collection process, etc.

In his response dated 7/22/03, the NMIRF Administrator stated that the pensions of two former CPA officials were recalculated "down" from the original calculations. OPA was not informed, however, of the results for recalculating the pension benefits of all other fund members in determining which beneficiaries have been overpaid and what further actions were taken after their determination.

On 3/22/05, the NMIRF Administrator stated that at the 3/10/05 Board of Trustees meeting, the Board agreed to revisit the issue of recovering overpayments at its next regular meeting. The Administrator also stated that the Fund does not currently have a full-time legal counsel.

On 8/14/06, the then NMIRF Administrator stated that the recalculation of pension benefits is ongoing, yet is subject to certain due process applications of the Administrative Procedure Act prior to recoupment.

**Additional Information
or Action Required** :

NMIRF should inform OPA of a target date when their recalculation of pension benefits for all other fund members will be completed. Once completed, NMIRF should provide OPA evidence that corrective action was taken to adjust the benefits of affected members.

Recommendation 9 :

The Fund Administrator should recover improper payments to the two former CPA officials totaling \$126,730.06, and also from all other fund members who have been overpaid by including overtime and comp-time in the computation of their retirement annuity. If any problems exist in recovering overpayments, refer the matter to the Attorney General for legal action.

Agency to Act :

Northern Mariana Islands Retirement Fund

Status :

Resolved - Active

Agency Response :

On 5/15/00, the Fund began withholding 50% of the former CPA Executive Director's semi-monthly pension. The Fund also conducted two separate agency hearings in connection with the retirement benefits improperly paid or being paid to the former Executive Director and former Security Chief. In its decision dated 2/15/01, the Fund's Board of Trustees affirmed the decision and actions of its Administrator in terminating the retirement benefit of the former Security Chief. Also, in a letter dated 7/27/00, AGO concurred with the findings of OPA and determined that the overpayment to the former Security Chief of CPA must be recovered. The Fund's Board of Trustees has not yet issued its decision on the case of the former Executive Director.

On 4/2/03, OPA was provided with a copy of the Board of Trustees decision dated 6/21/01 in which it affirmed the decision and actions of its Administrator in recalculating and adjusting the retirement benefits of the Former Executive Director. OPA was informed, however, that the Former Executive Director had appealed the Board's final decision to the Superior Court (Civil Action No. 00-0409E) and the case is still on-going.

In his response dated 7/22/03, the NMIRF Administrator stated that they will update OPA on this issue when the CNMI Courts renders its decision on the Former Executive Director's appeal to the Superior Court.

On 3/22/05, the NMIRF Administrator stated that at the 3/10/05 Board of Trustees meeting, the Board agreed to revisit the issue of recovering overpayments at its next regular meeting. The Administrator also stated that the Fund does not currently have a full-time legal counsel.

In a phone conversation with the NMIRF Administrator on 4/5/05, OPA was informed that the Former Executive Director's appeal to the Superior Court is still on-going.

In his 8/14/06 response, the then NMIRF Administrator informed OPA that recoupment from his benefits from one of the former CPA officials will commence if and when re-employed with the government. For the other former CPA official, pursuant to a stipulation the case will be returned to the administrative hearing process and a new Notice of Administrative Hearing will be issued forthwith.

Additional Information or Action Required : NMIRF should provide OPA (1) evidence of a written settlement agreement with the former CPA Security Chief requiring repayment to the Retirement Fund and (2) the Superior Court's Order in the appeal made by the Former Executive Director to the Superior Court.

**Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions**

Date(s) of followup letter(s) sent : 3/10/06, 10/17/06, 2/7/07

Date(s) of response letter(s) received : 8/14/06

Recommendation 9 : The Northern Mariana Retirement Fund should adopt policies and procedures, and/or regulations to address the issue of the security of public funds

Agency to Act : Northern Mariana Islands Retirement Fund

Status : Open -Delinquent

Agency Response : In his letter dated 8/14/06, the then NMIRF Administrator stated that they are currently in compliance with law as evident by their receipt of monthly Collateral Security Agreements from its banking institution.

OPA Response -The receipt of the monthly Collateral Security Agreement between NMIRF and the bank is insufficient to close the recommendation. This agreement does not state how NMIRF is to manage its operational funds.

Additional Information or Action Required : The NMIRF should provide OPA with a copy of their formally adopted policies and procedures, and/or regulations to address the issue of the security of public funds.

Public School System

Report No. AR-05-01 issued March 3, 2005
Audit of the Security of CNMI Government Funds
Deposited in Banks and Financial Institutions

Date(s) of followup letter(s) sent : 3/9/06, 9/28/06, 2/7/07

Date(s) of response letter(s) received : 3/28/06

Recommendation I2 : The Public School System should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

Agency to Act : Public School System

Status : Open - Delinquent

Agency Response : In her letter response dated 3/28/06, the Commissioner of Education informed OPA that all PSS monies must be deposited in an FDIC insured bank. However, OPA was not provided with a copy of the PSS policy evidencing this requirement.

Additional Information or Action Required : The PSS should provide OPA with a copy of the policies and procedures, and/or regulations addressing the issue of the security of public funds. More specifically, PSS should provide OPA with evidence showing that it is the policy of PSS that all monies belonging to PSS be deposited into FDIC insured banks.

Senate

Senate

Report No. AR-03-05 issued August 6, 2003
CNMI Senate, Thirteenth Legislature
Monthly Subsistence Allowance Provided to Members
of the Senate Covering the Period Ending June 30, 2002

Date(s) of followup letter(s) sent : 4/13/04, 9/27/04, 2/15/05, 8/9/05, 9/22/05, 3/8/06, 2/7/07
Date(s) of response letter(s) received : 5/12/04 (request for extension to respond), 10/13/04, 3/8/05
(telephone follow-up), 3/14/05, 8/17/05 (meeting with Senate
Legal Counsel), 8/29/05

Recommendation 2 : Undertake an analysis of reasonable travel costs to ensure that the amount set for allowance is appropriate given expenses incurred.

Agency to Act : Senate

Status : Open - Active

Agency Response : The Senate said it will replace the existing subsistence allowance system with a new revolving reimbursement system that would use uniform per diem rates to reimburse Senators for expenses incurred in the exercise of their constitutional duties. It would also conduct an analysis of travel expenses to ensure that the new per diem rate was reasonable.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

OPA Response - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and pursue the analysis to determine the reasonable amount of members' travel allowance.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA's audit recommendations. The Senate Legal Counsel informed OPA that the Senate's position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate's position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the

state or territory and the level of sophistication of accounting systems. OPA provided the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable. This form will also allow the Senators to undertake an analysis to determine reasonable travel costs to ensure that the amounts set for allowances are appropriate for the expenses incurred.

**Additional Information
or Action Required :**

The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.

Recommendation 3 : Document travel activity to enable the Senate to more accurately estimate an appropriate monthly allowance.

Agency to Act : Senate

Status : Open -Active

Agency Response : The Senate agreed to provide OPA with a written analysis of what it considers as reasonable travel to support changing the amount set for the monthly subsistence allowance.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

OPA Response - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and pursue the analysis to determine the reasonable amount of its subsistence allowance.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA's audit recommendations. The Senate Legal Counsel informed OPA that the Senate's position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate's position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the state or territory and the level of sophistication of accounting systems. OPA provided

the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable.

Additional Information or Action Required : The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.

Recommendation 5 : Amend legislation and/or travel policy to prevent senators from being reimbursed for other concurrent travel.

Agency to Act : Senate

Status : Open -Active

Agency Response : The Senate stated it would take action so that members do not receive "double compensation" for travel costs.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

OPA Response - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and amend legislation and/or travel policy to prevent Senators from being reimbursed for other concurrent travel.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

Additional Information or Action Required : The Senate should amend language in legislation and/or travel policy requiring senators to adjust their vouchers or allowances so as not to obtain reimbursement for other concurrent travel.

House of Representatives

House of Representatives

Report No. LT-01-02 issued May 3, 2001 Audit of the Maintenance and Use of the Challenger Since its Purchase in 1995

Date(s) of followup letter(s) sent : 8/22/01, 3/4/02, 8/12/02, 2/12/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05, 3/7/06, 11/6/06, 2/12/07

Date(s) of response letter(s) received : 3/13/03, 6/19/03 (meeting with Speaker of the House), 5/12/04, 9/29/04, 2/17/05, 3/27/06, 11/15/06, 2/20/07, 4/24/07

Recommendation 6 : The CNMI Legislature should amend 1 CMC §7402 (a) (2) of the Planning and Budgeting Act by adding a provision to the Act that any CNMI Government employee who illegally reprograms government funds or receives illegally reprogrammed funds will be held personally liable for the amount of the reprogramming action.

Agency to Act : House of Representatives

Status : Closed

Agency Response : On 4/24/07, OPA was provided a copy of Public Law 15-54 entitled, "To amend 1 CMC § 7402(a)(2); and other purposes," which was passed and signed into law on 4/23/07. This public law now provides that no funds may be reprogrammed to any account which has been zero-funded by the legislature or to any account for which the legislature or to any account for which the legislature has not made an appropriation. Any person who reprograms government funds or knowingly receives reprogrammed funds in contravention of this subsection shall be held personally liable for amount of the reprogrammed account. The enactment of Public Law 15-54 addressed OPA's recommendation and is now considered closed.

Independent Auditor's Recommendations

CNMI
Commonwealth Development Authority
Commonwealth Ports Authority
Commonwealth Utilities Corporation
Department of Public Lands
Northern Marianas College
Northern Mariana Islands Retirement Fund
Public School System
Workers' Compensation Commission

Attached is the Schedule of Findings, Questioned Costs and Recommendations issued by Independent Auditors.¹

This section of the report presents recommendations from Single Audit reports and other types of audit reports issued by private Certified Public Accountant (CPA) firms. The Office of the Public Auditor is not responsible for tracking the implementation of these recommendations, however, they are included in our audit tracking report for information purposes. Because OPA is responsible for overseeing all audits of the CNMI government, follow-up procedures are also conducted for these recommendations to determine what actions have been taken by the individual agencies to implement the recommendations issued by private CPA firms. A copy of the agencies' responses is subsequently provided to the Independent Auditor who conducted the audit to determine whether the agencies' responses are sufficient to consider the recommendations resolved.

Based on the classification followed by private CPA firms, a recommendation is described as either resolved or unresolved.

¹ The following pages were taken directly out of the Independent Auditors' reports. As such, the page numbers in this section of the report do not correspond with the page numbers in the original reports.

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2005
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent : 9/28/06 (DOF), 9/29/06 (DEQ) (Medicaid) (NAP) (OMB) (OPM) (WIA), 10/13/06 (DPH), 11/6/06 (Office of the Governor), 11/7/06 (Deloitte re: DEQ, Medicaid, NAP, WIA response), 2/2/07 (Deloitte re: WIA response), 2/2/07 (Office of the Governor), 2/6/07 (DOF), 2/7/07 (DEQ) (DPH) (Medicaid) (NAP) (OMB) (OPM) (WIA), 4/11/07 (Deloitte: re: DEQ, OPM, WIA response), 5/22/07 (Deloitte re: NMHC response)

Date(s) of response letter(s) received : 10/12/06 (WIA), 10/18/06 (DEQ) (Medicaid), 10/24/06 (NAP), 1/17/07 (WIA), 2/14/07 (WIA), 2/22/07 (DEQ), 3/8/07 (NMHC), 3/19/07 (OPM)

See pages 82 to 156 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Section II - Financial Statement Findings

External Financial Reporting

Finding No. 2005-1

Criteria: Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, requires that the financial statements of the reporting entity include component units for which the primary government is either financially accountable for, or for which exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

Condition: As of September 30, 2005, the Commonwealth Utilities Corporation, a discretely presented component unit, was unaudited at September 30, 2005.

Cause: The cause of the above condition is the lack of audited financial statements for the entity.

Effect: The effect of the above condition is nonconformity with GASB Statement No. 14 resulting in a qualification in the opinion on the financial statements of the CNMI.

Recommendation: We recommend that the CNMI conform with GASB Statement No. 14 by obtaining audited financial statements of the above entity for inclusion within the CNMI's financial statements.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance and Michael S. Sablan, Public Auditor

Corrective Action: CNMI component units are required to have audits performed on an annual basis. The Office of the Public Auditor has been working with the CNMI's autonomous agencies to bring their annual audits current. CUC's FY05 audit should be completed in early 2007. CUC's draft financial statements have been included in the component unit amounts in CNMI's Single Audit. It should be noted that four agencies were included in this finding in 2001 while only one is included in 2005.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Cash Flows

Finding No. 2005-2

Criteria: Sufficient cash flows should be maintained to ensure current obligations are met as well as to ensure efficient operations.

Condition: During the last few years, the CNMI's economic condition has been greatly affected by global policies and influences, natural disasters and terrorism among others. As a result, financial burden has been placed on the Government causing cost cutting measures to be implemented. The financial activities of the CNMI's General Fund in the last five years are as follows:

	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>
Total assets	\$ 74,676,988	\$ 95,490,132	\$ 63,483,266	\$ 71,163,302	\$ 80,931,823
Total liabilities	\$ 210,539,483	\$ 201,378,383	\$ 157,467,782	\$ 152,084,743	\$ 143,376,469
Total fund deficit	\$ (135,862,495)	\$ (105,888,251)	\$ (93,984,516)	\$ (80,921,441)	\$ (62,444,646)
Total revenues	\$ 214,891,036	\$ 210,630,807	\$ 200,744,520	\$ 195,090,682	\$ 213,624,552
Total expenditures	\$ 244,881,423	\$ 246,858,759	\$ 211,223,864	\$ 209,775,245	\$ 229,480,514

Cause: The cause of the above condition is that resources are not readily available to alleviate cash flow needs. Further, revenue resources are not adequate to meet increasing expenditures/obligations.

Effect: The effect of the above condition is the potential for inadequate cash flows to meet current obligations. It appears that this condition has been mitigated by the increase in the liability to the Northern Mariana Islands Retirement Fund.

Recommendation: We recommend that the CNMI review its various functions to ensure adequate cash flows are available to meet current obligations.

Prior Year Status: Inadequate cash flows to meet current obligations was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance

Corrective Action: This finding is related to Finding 2005-7. Since the liability to the retirement fund is \$120.5 million and the fund balance deficit is \$135.9 million, resolving the retirement fund issues will also be resolving this finding. Again, it will require cooperation between the Legislature, Executive Branch and Retirement Fund to resolve. See Note 17 to the financial statements for subsequent events impacting the Retirement Fund liability.

We also note that the above amounts do not include transfers in and out or other financing sources. This creates a mismatch for 2004 and 2005 as bond proceeds received in 2004 are excluded but the disbursement of the major portion of those proceeds are included as expenditures. \$18.9 million in proceeds were disbursed in 2005 and \$2.9 million in 2004.

Proposed Completion Date: Ongoing

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Cash and Cash Equivalents

Finding No. 2005-3

Criteria: Bank reconciliations should be performed in a timely manner. Further, all bank accounts should be established by the Treasurer.

Condition: During the fiscal year ended September 30, 2005, the bank reconciliations for the Payroll, NMTIT Rebate Trust Fund, General Fund, Treasury Savings and the NMTIT Rebate Savings Account (A/c #s 11420.1010, 11430.1010, 11610.1010 and 11640.1010) were not performed in a timely manner.

Cause: The cause of the above condition is the lack of adherence to policies and procedures related to the timely preparation of bank reconciliations and establishment of bank accounts with financial institutions.

Effect: The effect of the above condition is the possibility of misstated cash balances throughout the year.

Recommendation: We recommend that the CNMI adhere to established policies and procedures to ensure the timely reconciliation of bank accounts.

Prior Year Status: The lack of adequate policies and procedures related to the timely preparation of bank reconciliations was reported as a finding in the Single Audits of the CNMI for fiscal years 2003 and 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director, Finance & Accounting, Antoinette Calvo, CNMI Treasurer and Eloy S. Inos, Secretary of Finance

Corrective Action: We agree with the finding for the General Fund (1010.11430), Treasury Savings (1010.11610) and NMTIT Rebate Savings (1010.11640) accounts. The General Fund checking account is reconciled monthly on a draft basis. Auditors are provided with a final summary reconciliation for full year. The summary reconciliation is used to book adjustments at year end. There is an assigned person to reconcile savings accounts at Treasury but due to shortage of cashiers, Treasury staff were acting as cashiers during this period and only a year end reconciliation was done. The Payroll and NMTIT Rebate checking accounts are now reconciled monthly. Reconciliations are available in the Finance and Accounting Division Recon Section. We are planning on moving the savings account reconciliation function from Treasury to the Acting Secretary of Finance office to improve internal control. In addition, coordination between the Recon section and the Treasury and Revenue and Tax Divisions will be improved to facilitate the General checking account reconciliation. We will also discuss faster access to bank statements with our bank.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Receivables

Finding No. 2005-4

Criteria: Receivables for services rendered by the Commonwealth Health Center (CHC) should be billed on a timely basis and follow-up collection procedures should be undertaken to collect outstanding accounts.

Condition: As of September 30, 2005, the receivable balance at CHC was \$98,459,493. Based on our review of the subsidiary ledger, this balance represents accounts outstanding in excess of 120 days. The large receivable balance, the many aged individual balances, and the backlog of billing files all reflect inadequate billing and collection procedures.

Cause: The cause of the above condition is a lack of adequate policies and procedures related to the billing and collection of CHC revenues.

Effect: The effect of the above condition is the possibility of a misstatement of CHC receivable balances; however, this effect is mitigated by a corresponding allowance for uncollectible accounts of \$98,459,493.

Recommendation: We recommend that CHC implement procedures to ensure that all billings are processed on a timely basis and standard procedures are implemented to follow-up on aged accounts. Uncollectible accounts should be written off.

Prior Year Status: Inadequate controls over receivables at CHC was reported as a finding in the Single Audits of the CNMI for fiscal years 1995 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Joseph Kevin Villagomez, Secretary of Public Health

Corrective Action: DPH agrees with the findings but has made major progress in the past years in correcting the problems. Implementing policies and procedures, as recommended by the auditors, will help but will not resolve the backlog in the processing of bills or decrease the huge outstanding receivable. The cause of the problem is a combination of inefficiency of the present computer billing system, inadequate FTE's in the Billing and Collection Office, non-payment of bills by the Government Health Insurance (GHI) program and inclusion of Medicaid expenditures beyond the annual cap as receivables. Medicaid expenditures above the annual cap represent over one third of the total receivable and GHI represents fifty percent of the remaining outstanding receivable. Improving the computer billing system and resolving the huge outstanding balance with GHI is included as a major task in the CNMI wide Financial Management Improvement Plan. A new faster, larger capacity computer system has been installed and data migration/conversion completed. CHC is now in the process of installing software upgrades for accounts receivable, third party billing, laboratory and pharmacy. CHC has formed a Revenue Enhancement Committee to review all aspects of the collection and billing process, fee schedules and other revenue enhancement matters. An RFP for consultant services for the technical and programmatic evaluation of the hospital financial management system has been issued.

Proposed Completion Date: No completion date can be projected at this time

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Advances

Finding No. 2005-5

Criteria: Advances to vendors should be properly supported by a reconciled subsidiary ledger, invoices and/or receiving reports and should be liquidated in a timely manner.

Condition: As of September 30, 2005, subledgers were not available for advances to vendors totaling \$3,353,965 (A/c # 12430.1010 amounting to \$1,233,450 and # 12431.1010 amounting to \$2,120,515). In addition, advances identified in the accounts payable subledger of \$3,623,352 did not agree with the advances recorded in A/c #12430.1010 of \$1,233,450. An explanation of the variance was not made available.

Cause: The cause of the above condition is inadequate reconciliation of advances and inadequate file maintenance.

Effect: The effect of the above condition is the possibility of a misstatement of expenditures and related advances and a qualification of the opinion on the basic financial statements.

Recommendation: We recommend that a detailed subsidiary ledger properly support advances to vendors.

Prior Year Status: The lack of a reconciled subsidiary ledger and timely liquidation of advances was reported as a finding in the Single Audits of the CNMI for fiscal years 2001 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director, Finance & Accounting and Herman Sablan, Director, Procurement and Supply

Corrective Action: This finding is related to Finding 2005-6. We are currently reconciling the advance to vendors and received not vouchered accounts and making adjustments. Even though the expense is posted during the receiving function, it appears that the debit advance amount is not being closed for prepaid items, leaving an offsetting credit open in the received not vouchered account. A new FMS procurement receiving procedure has been implemented for prepaid items beginning October 1, 2005. Reconciliation procedures will be developed to reconcile the advance to vendors and received not vouchered account balances.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Advances

Finding No. 2005-6

Criteria: Travel advances to employees should be liquidated in a timely manner through the submission of a travel authorization/voucher or the return of unexpended funds.

Condition: As of September 30, 2005, the General Fund recorded travel advances of \$2,588,739, which primarily represent advances outstanding and unliquidated for more than ninety days. Of this amount, \$940,994 remained unchanged when compared with the prior year. Of six balances (employee #s 100783, 100399, 101188, 163334, 339420 and 339666) tested, the related travel authorization and vouchers were not made available after numerous requests.

Cause: The cause of the above condition is the lack of adherence to policies and procedures regarding the liquidation of outstanding advances. In addition, individual files are not readily accessible.

Effect: The effect of the above condition is the possibility of a misstatement of expenditures and related advances, which results in a qualification of the opinion on the financial statements.

Recommendation: We recommend that all advances outstanding for more than one year be reviewed, their collectibility evaluated, and any amounts deemed uncollectible be written off. In addition, we recommend that the Department of Finance consider payroll deductions as a way of collecting long outstanding advances and that policies and procedures be implemented and enforced requiring the timely liquidation of all travel advances.

Prior Year Status: Liquidation of advances was reported as a finding in the Single Audits of the CNMI for fiscal years 1987 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director, Finance & Accounting

Corrective Action: We agree that the travel advance balance needs to be adjusted for old balances and that most these old balances cannot be adequately documented. We have implemented automated sub ledgers by traveler for our travel advance accounts. Advance and voucher filing procedures are now being enforced so that new advances are not issued if there are pending outstanding advances. Payroll deductions are being made if vouchers are not filed in a timely manner. Scanning of travel vouchers is now being done. We are reviewing and clearing old balances. The amount outstanding as of 5/31/06 has been reduced to \$1.5 million. The amount outstanding is reserved against fund balance on the balance sheet either through the reserve for encumbrances or reserve for related assets.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Other Liabilities and Accruals

Finding No. 2005-7

Criteria: A proper system of internal control requires that the accounts payable subsidiary ledger be reconciled to the general ledger in a timely manner and that the detail accounts payable represent valid liabilities.

Condition: As of September 30, 2005, the General Fund recorded liabilities (A/c #s 20120.1010 and 20120.1012) including a credit balance of \$592,956 and a debit balance of \$176,974 for which no detailed subsidiary ledgers were made available. We are unable to determine the propriety of these account balances. Further, in prior years, these accounts also included prepaid items/debit balances. A summary of debit balances included in accounts payable is as follows:

<u>Fund</u>	<u>Amount</u>
1010	\$ 4,445,883
1012	19,851
1013	6,399
1015	17,998
2020	151,464
2030	2,042
2035	722
2039	196
2043	6,489
2070	1,156
4044	2,619
4045	68,935
4052	872
6077	1,144
	<u>\$ 4,725,770</u>

Cause: The cause of the above condition is that liabilities are recorded at the time advances are made and the lack of proper reconciliation procedures upon application of advances. In addition, the CNMI is currently analyzing the liability account and as of September 30, 2005, the account balance was still unreconciled.

Effect: The effect of the above condition is the possibility of a misstatement of expenditures and related liabilities and accruals, which results in a qualification of the opinion on the basic financial statements.

Recommendation: We recommend that policies and procedures be established to ensure adequate recording of liabilities for goods received.

Prior Year Status: The lack of established policies and procedures to ensure adequate recording of liabilities for goods received by the Division of Procurement and Supply was reported as a finding in the Single Audits of the CNMI for fiscal years 1999 through 2004.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-7, Continued

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director, Finance & Accounting and Herman Sablan, Director, Procurement and Supply

Corrective Action: This is related to Finding 2005-4. Proper balance sheet accounting for vendor advance payments has been a continuing problem. Under the method in use from 1999 to 2005 it appears that the debit advance amount may not be closed for prepaid items leaving an offsetting credit open in the received not vouchered account. We are reviewing and adjusting balances where needed. A new FMS procurement receiving procedure has been implemented for prepaid items beginning October 1, 2005. Reconciliation procedures will be developed to reconcile received not vouchered balances on a monthly basis.

The debit payable balances noted above are recorded in the regular automated accounts payable account and subsidiary ledger and result from advances issued in 1997 through 1999 when a debit payable voucher was created for each advance issued. It appears an offsetting entry will need to be made in the automated payables account pending reversal of the individual records.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Retirement Contributions - General Fund

Finding No. 2005-8

Criteria: In accordance with Public Law 6-17, Section 8342(a), the Government shall make contributions to the Northern Mariana Islands Retirement Fund (the Fund) each year on an actuarially funded basis toward the annuities and benefits provided its members. Section 8342(c) requires both employee and employer contributions be remitted to the Fund within five working days following the end of each payroll date. Further, Section 8342(e) states that an employer who fails to pay or remit contributions as required shall pay a penalty of ten percent per month or part thereof for which contributions remains unpaid, up to a maximum penalty of twenty-five percent of the unpaid contribution.

Condition: At of September 30, 2005, the CNMI recorded a contribution liability of \$82,441,874. These outstanding contributions date back to fiscal year 2001. In addition, the Fund assessed an additional penalty of \$4,966,209 for the year ended September 30, 2005. The CNMI has determined that only the increase in outstanding contribution from fiscal year 2004 to fiscal year 2005 is subject to the 25% resulting in a maximum penalty of \$1,603,563 for the year ended September 30, 2005. The NMIRF assessed a total penalty of \$23,996,397 on outstanding contributions of which \$20,633,750 is recorded by the CNMI.

Cause: The cause of the above condition is the lack of available cash flow.

Effect: The effect of the above condition is noncompliance with Public Law 6-17, Section 8342.

Recommendation: We recommend that the CNMI adhere to the requirements of Public Law 6-17.

Prior Year Status: The lack of compliance with Public Law 6-12, Section 8342 was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance

Corrective Action: We agree with the finding, however, any corrective action requires the cooperation of the Legislature, Executive Branch and Retirement Fund. Providing retirement benefits that are affordable for the CNMI Government is a major issue facing the Commonwealth. See Note 17 to the financial statements for subsequent events that impact the retirement liability.

Proposed Completion Date: Ongoing

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Tax Rebates Payable

Finding No. 2005-9

Criteria: *The Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (the Covenant) adopted the Internal Revenue Code of the United States of America as the local income tax. Percentages of income tax due to the CNMI from CNMI source income are rebated at 90%, 70% or 50%, based on specified tax brackets for corporate and individual income taxes paid. The rebate liability is therefore estimated at the end of each fiscal year.

In addition, in accordance with Public Law 9-22, §1713, Interest on Overpayments, interest allowed by NMTIT §6611 on an overpayment shall be calculated only on the amount not already rebated.

Condition: At September 30, 2005, estimated tax rebates payable aggregated \$24,436,334. The estimate consists of the following:

Estimated 2005 liability based on fiscal year 2005 collections	\$ 8,381,491
2004 and prior rebates not yet paid as of September 30, 2005	<u>16,054,843</u>
	\$ <u>24,436,334</u>

The 2004 and prior rebates not yet paid as of September 30, 2005 consist of completed tax returns and the value of matched and unmatched tax returns. Detailed listings of the matched and unmatched tax returns amounting to \$16,054,843 were not made available. Further, no interest is calculated or paid on overpayments.

Cause: The cause of the above condition is the failure of the Division of Revenue & Taxation to print a detailed listing at September 30, 2005 to support tax assessment. Further, there is a lack of compliance with Public Law 9-22 relating to interest calculation on tax overpayments.

Effect: The effect of the above condition is that we are unable to determine the validity of the components utilized in the tax rebate estimate and an understatement of tax rebates payable exists due to the non-recording of interest on tax overpayments. This condition results in a qualified opinion on tax rebates payable.

Recommendation: We recommend that the Division of Revenue and Taxation ensure that all tax forms are properly filed and maintained. We also recommend that the Division of Revenue and Taxation ensure all tax analyses are properly supported.

Prior Year Status: Staff shortages, inadequate filing and maintenance of documents, a lack of detailed reports supporting analyses performed and a lack of compliance with Public Law 9-22 relating to interest calculation on tax overpayments was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Esther Ada, Director, Division of Revenue and Tax

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-9, Continued

Auditee Response and Corrective Action Plan, Continued:

Corrective Action: The new automated tax system was not able to produce “as of” detail reports required by auditors. We are working with our programmers to correct this problem. Due to tax information disclosure issues, the external auditors rely on our Office of Public Auditor staff to review actual returns and other taxpayer information. There appears to have been communication problems between the three parties involved regarding returns to be provided. We are working on resolving this issue so that auditors can review return information directly with certain information redacted. We are researching the issue of payment of interest on tax overpayments. Revenue and Tax has determined that no interest is due on rebate amounts as they do not constitute a tax overpayment. They are now researching if any determination on interest on tax refunds has been made in the past.

Proposed Completion Date: FY2006 for reporting and return access; ongoing for applicability of interest on tax overpayments.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Fund Balance

Finding No. 2005-10

Criteria: Balances appropriated without fiscal year limit should be reserved for as continuing appropriations, as they represent portions of fund balance legally segregated for a specific future use.

Condition: As of September 30, 2005, no detailed schedule of outstanding local construction projects was made available for reconciliation to the Local Capital Projects Fund (Fund 4042) reserve for continuing appropriations, which totaled \$1,844,404.

Cause: The cause of the above condition is the lack of appropriate documentation supporting the status of ongoing construction projects.

Effect: The effect of the above condition is the possibility of a misstatement of the reserve for continuing appropriations, which results in a qualification on the basic financial statements.

Recommendation: We recommend that all ongoing construction projects be monitored and their status documented by the Department of Finance, and that a quarterly report be prepared for the review of the Secretary of Finance.

Prior Year Status: The lack of appropriate documentation supporting the status of ongoing construction projects was reported as a finding in the Single Audits of the CNMI for fiscal years 1997 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance

Corrective Action: The FY97 conversion of remaining appropriation balances for local CIP projects was incorrectly done. We have completed researching the correct remaining balances and expect to have FMS corrections made in FY2006.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

CNMI Local Noncompliance

Finding No. 2005-11

Criteria: Budgets are a vital tool for establishing public policy and maintaining control over the management of public resources.

Condition: During the year ended September 30, 2005, the CNMI operated under a continuing resolution based on Public Law No. 13-24, the Appropriations and Budget Authority Act of 2003. The following activity levels reported expenditures in excess of budget allotments for the year ended September 30, 2005:

	Budgeted Level of <u>Expenditures</u>	Actual <u>Expenditures</u>	Over- <u>Expenditure</u>
Judicial Branch:			
Law Revision Commission	\$ 308,407	\$ 331,697	\$ (23,290)
Legislative Branch:			
Legislative Bureau	\$ 2,900,000	\$ 3,084,582	\$ (184,582)
Executive Branch:			
Public Health	\$ 41,263,460	\$ 43,170,617	\$ (1,907,157)
Public Safety	\$ 15,084,984	\$ 16,447,926	\$ (1,362,942)
Finance	\$ 8,701,664	\$ 9,822,134	\$ (1,120,470)
Labor and Immigration	\$ 1,983,652	\$ 2,022,083	\$ (38,431)
Lands and Natural Resources	\$ 3,963,739	\$ 4,014,202	\$ (50,463)
First Senatorial District - Rota:			
Lands and Natural Resources	\$ 1,594,617	\$ 1,606,478	\$ (11,861)
Public Safety	\$ 2,130,774	\$ 2,159,619	\$ (28,845)
Finance	\$ 917,609	\$ 938,185	\$ (20,576)
Municipal Council	\$ 379,680	\$ 382,136	\$ (2,456)
Labor and Immigration	\$ 781,735	\$ 782,807	\$ (1,072)
Community and Cultural Affairs	\$ 608,131	\$ 611,743	\$ (3,612)
Second Senatorial District - Tinian:			
Public Health	\$ 2,113,469	\$ 2,149,729	\$ (36,260)
Public Safety	\$ 1,738,941	\$ 1,823,161	\$ (84,220)
Lands and Natural Resources	\$ 1,133,472	\$ 1,139,299	\$ (5,827)
Public Works	\$ 637,008	\$ 639,440	\$ (2,432)
Community and Cultural Affairs	\$ 287,827	\$ 291,471	\$ (3,644)
Commerce	\$ 294,057	\$ 297,050	\$ (2,993)
Independent Programs	\$ 37,500	\$ 38,344	\$ (844)
Boards and Commissions:			
Board of Election	\$ 409,792	\$ 411,036	\$ (1,244)
Independent programs:			
Disability Development	\$ 38,491	\$ 40,419	\$ (1,928)
Flame Tree Festival	\$ 29,138	\$ 30,050	\$ (912)
Little League - Saipan	\$ -	\$ 773	\$ (773)
Office of the Public Auditor	\$ 2,228,824	\$ 2,316,381	\$ (87,557)
Government utilities	\$ 10,881,813	\$ 12,926,624	\$ (2,044,811)
Penalty on retirement contributions	\$ -	\$ 1,603,563	\$ (1,603,563)
Bad debt	\$ -	\$ 4,862,962	\$ (4,862,962)
Typhoon expenditures	\$ -	\$ 1,653,072	\$ (1,653,072)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-11, Continued

Cause: The cause of the above condition is the authorization of expenditures in excess of budget allotments.

Effect: The effect of the above condition is the over-expenditure of amounts in excess of budget allotments.

Recommendation: We recommend that the Department of Finance only authorize expenditures within budget allotment levels.

Prior Year Status: Over-expenditures in excess of budget allotments was reported as a finding in the Single Audits of the CNMI for fiscal years 2000 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance and Antonio Muna, Special Assistant for Management and Budget

Corrective Action: Total expenditures were within total allotments excluding the year end audit adjustments (bad debt, retirement penalty, disputed CUC billings, etc.) and audit report categorizations (compact impact reimbursement, credit card charges and deficit reduction reserve). In cases where the individual activities noted were over the amounts budgeted for those activities they were offset by under expenditures in other categories. Compact impact reimbursement (\$5.2 million) was recorded as an expense reduction but categorized as a transfer in on the audit report. This resulted in Public Health and Public Safety being shown as over budget when the excess expenditures were charged against the Compact Impact grant. Finance expenditures shown include \$1,340,625 in credit card charges offset against revenue collections on the trial balance but categorized as Finance expenditures in the audit report. Typhoon expenditures were unbudgeted and offset against the deficit reduction reserve. Utility expense was appropriated by the Legislature at \$5,000,000 in P.L. 13-24 even though actual utility billings were averaging \$11 million annually. Emergency reprogramming was done from other sources to increase budget level. The \$2,044,811 expenditure over the budget includes disputed water/sewer billings currently the subject of a court case. Monthly payments were made at the level established by a temporary restraining order. While specific areas in Rota and Tinian are shown as over budget, these are offset by under expenditures in other areas in each senatorial district. The respective mayors have reprogramming authority for these funds so OMB and DOF control at the senatorial district level. The retirement penalty and bad debt write off were the result of audit adjustments and unbudgeted.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Section III - Federal Award Findings and Questioned Costs

Allowable Costs/Cost Principles

Finding No. 2005-12

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of the Interior / Federal Award # Fiscal Year 1995 - 2004 Appropriations Act / Federal Award Period Available Until Expended	<u>Criteria:</u> Expenditures recorded in the general ledger should be properly supported by certified accounts payable vouchers, invoices and other relevant documents.	
U.S. Department of the Interior / Sports Fish Restoration / CFDA #15.605	<p data-bbox="505 653 1320 705"><u>Condition:</u> Supporting accounts payable vouchers and invoices for the following programs were not locatable:</p> <ul data-bbox="505 732 1320 968" style="list-style-type: none"> <li data-bbox="505 732 1320 837">• Of eighty-four nonpayroll expenditures of the DOI Capital Projects Fund tested (CFDA #15.875), the supporting accounts payable voucher and invoice for one item (APV # 497838), was not locatable. <li data-bbox="505 865 1320 968">• Further, of fifty-three nonpayroll expenditures for nonmajor programs tested aggregating \$3,213,435, the supporting lease agreement for APV # 497796 (Fund 2020, CFDA #15.605, Sports Fish Restoration), amounting to \$28,800, was not locatable. 	<p data-bbox="1352 812 1516 844">\$ 134,114</p> <p data-bbox="1352 942 1516 968">28,800</p>
	<u>Cause:</u> The cause of the above condition is the lack of proper systematic filing of certified accounts payable vouchers, invoices and other relevant documents.	
	<u>Effect:</u> The effect of the above condition is questioned costs of \$162,914.	
	<u>Recommendation:</u> We recommend that the Department of Finance ensure that all expenditures recorded in the general ledger are properly supported by certified accounts payable vouchers, invoices and other relevant documents.	
	<u>Prior Year Status:</u> Lack of proper systematic filing of certified accounts payable vouchers, invoices and other relevant documents was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.	
	<u>Auditee Response and Corrective Action Plan:</u>	
	Name of Contact Person: Bernadita C. Palacios, Acting Director Finance & Accounting	
	Corrective Action: Missing documents located and provided to auditors.	
	Proposed Completion Date: Already in compliance	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Allowable Costs/Cost Principles

Finding No. 2005-13

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
U.S. Department of Labor / WIA Cluster / Federal Award # EM-14471-05-60 / Federal Award Period 10/01/04 - 11/30/05	<p><u>Criteria:</u> Payroll expenditures should be properly supported with approved personnel action forms, timecard/timesheets and approved leave and/or overtime charge forms.</p> <p>In accordance with the grant award letter, program participants may work overtime, provided that this is part of the design of the project and regular employees of the employer in question are also working overtime, subject to the limit on level of compensation for workers under the project.</p>	

Condition: Of \$1,676,896 in payroll expenditures, forty-four payroll items totaling \$45,067 were tested under the National Emergency Grant Program. The following were noted:

- Overtime charges were incurred by employees who performed administrative tasks. Details are as follows:

<u>Employee #</u>	<u>Pay Period Ended</u>	<u>Overtime Hours</u>	<u>Amount</u>
101132	11/13/2004	12.50	\$ 375
448396	11/13/2004	11.00	165
448396	06/11/2005	8.00	120
101062	06/25/2005	20.00	300
448395	06/25/2005	24.00	360
101568	07/09/2005	22.00	495
101568	09/17/2005	13.00	293
			<u>\$ 2,108</u>

Total gross salaries for the above individuals amounted to \$143,969.

- Salaries and wages for fourteen employees performing administrative work were charged against grant operations and not as administrative costs. Details are as follows:

<u>Employee #</u>	<u>Pay Period</u>	<u>Gross Pay</u>
100643	03/05/05	\$ 864
100821	04/30/05	1,455
101062	06/25/05	1,100
101514	09/03/05	800
102064	03/19/05	720
159700	05/14/05	640
169629	06/11/05	760
372707	04/30/05	800
448396	11/13/04	865
448396	06/11/05	920
448401	11/27/04	936
448402	10/30/04	1,995
448407	12/11/04	640
448468	02/19/05	800
450136	08/06/05	1,500
		<u>\$ 14,795</u>

Total gross salaries for the above individuals amounted to \$206,311.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-13, Continued

Program	Reason for Questioned Costs	Questioned Costs
	<p><u>Condition, Continued:</u></p> <ul style="list-style-type: none"> • One employee (# 100821) for the pay period ended 04/30/05 was paid an additional 112 hours for a total gross pay of \$1,536. The supporting approved timesheet was not made available. • One employee (# 101568) for the pay period ended 11/13/04 had two payroll checks. The payment appears to cover two pay periods (10/30/04 and 11/13/04). One check represented payment for eighty hours regular and fifty-seven hours overtime. The other check represented eighty hours regular and twenty-nine hours overtime. The supporting approved timesheets and overtime authorization forms were not made available. Total gross salary for the above individual amounted to \$33,529. • One employee (# 101514) for the pay period ended 04/30/05 had a gross pay of \$2,064. The amount represented payment for one hundred fifty-two hours of regular pay and a payroll adjustment of \$544. The approved timesheets and overtime authorization forms were not made available. Total gross salary for the above individual amounted to \$17,960. • The approved timesheets for three employees (#s 448402 for PPE 10/30/04, 101132 for PPE 11/13/04 and 448396 for PPE 11/13/04) were not made available. Total gross salaries for the above individuals amounted to \$90,904. • Additionally, the total hours per the payroll register for one employee (# 101486, pay period ended 04/02/05) is higher by eight (8) hours than the approved timesheet. Total gross salary for the above individual amounted to \$6,616. • The approved timesheet for the pay period ended 09/17/05 was made available; however, one employee (# 101793) was not included in the approved timesheet. Total gross salary for the above individual amounted to \$12,213. <p><u>Cause:</u> The cause of the above condition is failure to comply with program requirements.</p> <p><u>Effect:</u> The effect of the above condition is noncompliance with allowable costs requirements and questioned costs of \$6,553. The remaining amount of \$511,502 is included in Finding Nos. 2005-16 and 2005-19.</p> <p><u>Recommendation:</u> We recommend strict compliance with the criteria.</p> <p><u>Auditee Response and Corrective Action Plan:</u></p> <p>Name of Contact Person: Edith Deleon Guerrero, Director, Workforce Investment Agency and Bernadita C. Palacios, Acting Director Finance & Accounting</p>	6,553

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-13, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
	<p><u>Auditee Response and Corrective Action Plan, Continued:</u></p> <p>Corrective Action: This grant was selected for detail testing after the final draft audit report had been approved by CNMI. The records for this grant had been boxed up and put in storage, which has led to documentation not being readily available for the auditors. In addition, staff turnover at the Workforce Investment Agency has resulted in the current staff being unfamiliar with this grant. Locating the missing documentation will be a time consuming task involving several agencies. Due to the high priority given to issuing this audit report on a timely basis we agree to include the finding in the audit and will continue efforts to locate missing documents.</p> <p>Proposed Completion Date: FY2007</p> <p><u>Auditor Response:</u> All payroll registers, approved timesheets and approved overtime authorization forms are filed at the Department of Finance, Payroll Division. The Payroll Division assisted us in locating all the payroll timesheets for the pay periods tested, however, the approved timesheets and/or overtime authorization forms for the individuals questioned were not included. The entity's inability to locate the timesheets and such data does not explain the noncompliance with overtime charges as well as cost allocations stipulated in the finding.</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Cash Management

Finding No. 2005-14

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of the Interior / Federal Award # Fiscal Year 1995 - 2004 Appropriations Act / Federal Award Period Available Until Expended	<p><u>Criteria:</u> In accordance with OMB Circular A-133, Part III Compliance Requirements - Cash Management, when entities are funded on a reimbursement basis, program costs must be paid for by entity funds before reimbursement is requested from the federal government. The terms stipulated in the Cash Management Improvement Act Agreement (CMIAA) should be followed by the grantee for selected major programs. Additionally, the CMIAA states that the CNMI shall be liable for interest on federal funds from the date federal funds are credited to the CNMI's account until those funds are out for program purposes.</p> <p><u>Condition:</u> Of seventy-eight samples tested, seventy-seven items were paid out between two to one hundred fifty-two days from the date federal funds were credited to the CNMI's account. Details are as follows:</p>	

APV #	Drawdown Amount	Cash Receipts Date	Check Clearance Date	Days Elapsed
453963	\$ 194,563	10/31/04	11/19/04	19
454066	\$ 72,188	10/21/04	11/19/04	29
455189	\$ 196,066	10/21/04	12/21/04	61
455939	\$ 334,364	10/08/04	10/21/04	13
457436	\$ 156,097	11/12/04	11/29/04	17
457909	\$ 271,096	11/19/04	12/02/04	13
457930	\$ 60,445	04/29/05	05/04/05	5
457999	\$ 83,901	11/19/04	12/20/04	31
459416	\$ 65,637	12/01/04	12/03/04	2
459507	\$ 95,848	03/18/05	03/29/05	11
460681	\$ 55,018	07/14/04	12/13/04	152
460894	\$ 170,155	12/15/04	01/05/05	21
461253	\$ 205,669	12/21/04	01/12/05	22
461253	\$ 128,462	12/21/04	01/12/05	22
461255	\$ 83,466	12/30/04	01/28/05	29
489555	\$ 125,995	01/27/05	02/04/05	8
490358	\$ 89,459	01/27/05	02/08/05	12
490368	\$ 98,792	03/04/05	03/07/05	3
492848	\$ 115,137	03/04/05	03/07/05	3
493516	\$ 104,963	03/04/05	03/03/05	0
494168	\$ 87,551	03/14/05	03/18/05	4
494231	\$ 425,720	02/28/05	03/11/05	11
494685	\$ 80,878	03/24/05	06/23/05	91
494878	\$ 80,989	03/21/05	04/01/05	11
495201	\$ 107,163	03/15/05	03/24/05	9
495201	\$ 100,000	03/15/05	03/24/05	9
495928	\$ 75,798	03/24/05	04/06/05	13
496060	\$ 77,708	03/18/05	04/01/05	14
496502	\$ 316,988	03/18/05	03/28/05	10
496812	\$ 112,588	03/24/05	04/04/05	11
497265	\$ 59,380	03/31/05	04/06/05	6
497395	\$ 76,476	04/06/05	04/11/05	5
497838	\$ 74,108	04/14/05	05/18/05	34
497894	\$ 95,848	03/18/05	04/07/05	20
498995	\$ 135,462	05/06/05	05/11/05	5
499353	\$ 125,758	05/06/05	05/13/05	7
500584	\$ 157,000	05/06/05	05/17/05	11
501600	\$ 139,000	05/13/05	05/17/05	4
501600	\$ 150,697	05/11/05	05/17/05	6
501601	\$ 285,519	05/13/05	05/17/05	4
501786	\$ 116,315	05/25/05	06/06/05	12
501860	\$ 130,002	07/05/05	07/13/05	8
502255	\$ 183,886	07/05/05	07/13/05	8
502257	\$ 169,683	05/18/05	05/27/05	9
502764	\$ 169,889	05/25/05	06/01/05	7
503893	\$ 70,988	06/06/05	09/14/05	100
503896	\$ 240,334	06/06/05	06/17/05	11

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-14, Continued

Program	Reason for Questioned Costs				Questioned Costs
<u>Condition, Continued:</u>					
APV #	Drawdown Amount	Cash Receipts Date	Check Clearance Date	Days Elapsed	
504386	\$ 155,310	06/06/05	06/13/05	7	
505418	\$ 67,839	06/23/05	07/01/05	8	
505800	\$ 81,326	06/23/05	07/05/05	12	
507102	\$ 155,310	06/23/05	07/01/05	8	
507149	\$ 57,092	06/23/05	06/30/05	7	
507255	\$ 70,784	07/08/05	07/19/05	11	
508025	\$ 113,654	07/20/05	08/01/05	12	
508185	\$ 76,121	07/20/05	07/27/05	7	
508514	\$ 74,892	07/22/05	07/29/05	7	
508517	\$ 260,621	07/22/05	07/28/05	6	
508518	\$ 234,054	07/22/05	07/28/05	6	
508519	\$ 158,340	07/22/05	07/26/05	4	
508727	\$ 95,601	07/20/05	08/12/05	23	
509747	\$ 77,832	08/15/05	08/23/05	8	
509747	\$ 77,535	08/15/05	08/23/05	8	
511801	\$ 62,590	06/27/05	08/17/05	51	
511804	\$ 89,900	08/15/05	08/23/05	8	
511979	\$ 90,000	07/20/05	08/18/05	29	
513123	\$ 300,563	08/29/05	09/08/05	10	
513124	\$ 170,076	08/29/05	09/08/05	10	
514392	\$ 186,000	08/29/05	10/11/05	43	
514852	\$ 100,959	08/29/05	09/19/05	21	
514884	\$ 43,661	08/29/05	09/07/05	9	
514886	\$ 76,480	09/29/05	10/11/05	12	
515282	\$ 456,638	09/30/05	10/05/05	5	
515286	\$ 102,282	08/29/05	09/06/05	8	
539605	\$ 83,729	09/13/05	09/21/05	8	
541660	\$ 143,342	09/23/05	09/29/05	6	
544089	\$ 202,057	09/21/05	09/27/05	6	
544591	\$ 126,486	09/29/05	10/11/05	12	
545400	\$ 128,248	09/21/05	09/26/05	5	
					11,860

The CNMI has not recognized the potential interest liability of \$11,860 related to the time elapsed between the date federal funds were received and the date these funds were deducted from the CNMI's account for the above samples.

The results of cash management tests indicated that the terms set forth in the Cash Management Improvement Act are not being followed.

Cause: The cause of the above condition is due to the delays in which internal payment requests are routed.

Effect: The effect the above condition is lack of compliance with grant requirements relating to cash management and possible interest liability and questioned costs of \$11,860.

Recommendation: We recommend that the Department of Finance establish policies and procedures to ensure compliance with the criteria are met.

Prior Year Status: The lack of compliance with grant requirements relating to cash management was reported as a finding in the Single Audits of the CNMI for fiscal years 2003 and 2004.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-14, Continued

Program	Reason for Questioned Costs	Questioned Costs
	<p><u>Auditee Response and Corrective Action Plan:</u></p> <p>Name of Contact Person: Antoinette Calvo, CNMI Treasurer and Eloy S. Inos, Secretary of Finance</p> <p>Corrective Action: The CNMI's general policy on Federal grant payments is to draw down funds on a reimbursement basis or as close to the actual disbursement as possible. This is evidenced by the fact that a substantial overall receivable is shown from Federal grantor agencies each year in the Single Audit. The financial statement section of this audit (FY2005) shows receivables from Federal agencies of \$11,787,759 for categorical grants and \$1,113,997 for capital improvement projects as of September 30, 2005. For DOI Technical Assistance grants, the audit report shows \$1,246,691 in receivables. DOI requires these grants to be drawn down on a reimbursement basis. The vouchers in this finding all relate to DOI Capital Improvement Project Grants which had an overall receivable balance of \$1,113,997 as of the audit date.</p> <p>We feel the audit technique of selecting specific invoices is flawed in that the overall program expenditures versus draw downs is not considered. The agency may not have made payments for other expenditures. We reviewed each project with checks clearing more than 30 days after the drawdown was received noted in the findings. In each case the project still had a net receivable balance after the drawdown was received. Since the Federal agencies also have responsibilities to disburse requested funds in a timely manner, we think the audit testing should include the date the drawdown was requested as well as when it was received. The finding itself indicates "Federal Agencies shall deposit funds in a State account the next business day after receiving a request for funds." DOI does not deposit until three business days after receiving the drawdown in the best of circumstances. In our discussions with DOI regarding their expectations on timing of disbursements, they say disbursement should be made within a reasonable time period after receipt of funds. Their definition of reasonable is 3-5 days.</p> <p>We have been working with U.S. Treasury regarding implementation of the Cash Management Improvement Act (CMIA) for CNMI. Federal agencies would owe interest under the CMIA for drawdowns not remitted within the time frame shown in the Treasury-State agreement as well as CNMI owing interest if we do not disburse Federal Funds within the agreed period. There seem to be different expectations between U.S. Treasury and our grantor agencies that needs to be resolved. A particular problem for us relates to the dollar amounts being disbursed. The invoices selected all relate to large construction projects where substantial payments were due to the vendor. Many of the payments selected also include a local share that must be drawn down from our bond trustees. DOI has instructed us not to release the Federal portion of the payment until the local matching bond draw down is received. Advance payment in these cases would disrupt our cash flow for normal payments and payroll. We try to time our disbursement to receipt of the Federal and bond drawdown cash but do wait for the cash to be deposited in the CIP drawdown account before releasing the check</p> <p>Proposed Completion Date: Ongoing</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Cash Management

Finding No. 2005-15

Program	Reason for Questioned Costs	Questioned Costs																																																																																				
U.S. Department of Homeland Security / Public Assistance Grants / CFDA #97.036 / Federal Award #s 1532DRMPP00000001 and 1541DRMPP00000001 / Federal Award Periods 07/29/04 through completion and 08/26/04 through completion	<p><u>Criteria:</u> Per OMB Circular A-133, when entities are funded on a reimbursement basis, program costs must be paid for by entity funds before reimbursement is requested from the Federal Government. When funds are advanced, recipients must follow procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and disbursement.</p> <p><u>Condition:</u> Of total drawdowns of \$4,634,289, we noted the following:</p> <ul style="list-style-type: none"> • There was a duplicate drawdown for DPW PW 166 - Chaba (DR1541) for \$33,601. The amount was drawn twice at 3/3/05 (included in \$1,469,217 received). • There was a duplicate drawdown for CUC PW 310 - Chaba (DR1541) for \$429,833. The amount was drawn on 7/29/05 (included in \$1,270,035 received) and then again on 8/9/05 (included in \$2,213,292 received). • Per DSR 48014 for Typhoon Paka (DR 1194), which is to close out the Rota Early Warning Project, the federal share is a negative \$159,142. The negative balance results from insurance and de-obligation adjustments made by grantor. Total expenditures incurred on the project for FY05 is \$649,125 with a federal share of \$486,844 of which \$115,489 was drawn from the grantor at 08/09/05. The liability per the DSR of \$159,142 and an additional amount drawn of \$115,489 has been included in the following interest liability calculation. • Funds advanced were not disbursed after receipt of drawdown for the following: <table border="1" style="margin-left: 40px; width: 100%;"> <thead> <tr> <th style="text-align: center;">APV #</th> <th style="text-align: center;">DR</th> <th style="text-align: center;">Project PW #</th> <th style="text-align: center;">Check CR Date</th> <th style="text-align: center;">Date Cleared</th> <th style="text-align: center;">Elapsed</th> </tr> </thead> <tbody> <tr><td>507548</td><td>1541</td><td>CPA-142</td><td>03/03/05</td><td>07/11/05</td><td>130</td></tr> <tr><td>371969</td><td>1541</td><td>DPW-427</td><td>03/03/05</td><td>03/29/05</td><td>26</td></tr> <tr><td>507254</td><td>1541</td><td>EMO-353</td><td>03/03/05</td><td>07/15/05</td><td>134</td></tr> <tr><td>517565</td><td>1541</td><td>CPA-142</td><td>07/29/05</td><td>12/13/05</td><td>137</td></tr> <tr><td>512707</td><td>1541</td><td>CUC-422</td><td>07/29/05</td><td>10/25/05</td><td>88</td></tr> <tr><td>508221</td><td>1541</td><td>CUC-421</td><td>08/09/05</td><td>08/22/05</td><td>13</td></tr> <tr><td>504692</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>09/19/05</td><td>52</td></tr> <tr><td>503731</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>09/19/05</td><td>52</td></tr> <tr><td>503732</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>09/19/05</td><td>52</td></tr> <tr><td>501378</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>08/17/05</td><td>19</td></tr> <tr><td>501383</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>08/17/05</td><td>19</td></tr> <tr><td>501381</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>08/17/05</td><td>19</td></tr> <tr><td>501366</td><td>1532</td><td>NIMO-46</td><td>07/29/05</td><td>08/17/05</td><td>19</td></tr> </tbody> </table> • Funds were drawn on several large projects for which balances have neither been charged to the program nor disbursed. Interest liability has been calculated for the remaining balances of the following: 	APV #	DR	Project PW #	Check CR Date	Date Cleared	Elapsed	507548	1541	CPA-142	03/03/05	07/11/05	130	371969	1541	DPW-427	03/03/05	03/29/05	26	507254	1541	EMO-353	03/03/05	07/15/05	134	517565	1541	CPA-142	07/29/05	12/13/05	137	512707	1541	CUC-422	07/29/05	10/25/05	88	508221	1541	CUC-421	08/09/05	08/22/05	13	504692	1532	NIMO-46	07/29/05	09/19/05	52	503731	1532	NIMO-46	07/29/05	09/19/05	52	503732	1532	NIMO-46	07/29/05	09/19/05	52	501378	1532	NIMO-46	07/29/05	08/17/05	19	501383	1532	NIMO-46	07/29/05	08/17/05	19	501381	1532	NIMO-46	07/29/05	08/17/05	19	501366	1532	NIMO-46	07/29/05	08/17/05	19	
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507548	1541	CPA-142	03/03/05	07/11/05	130																																																																																	
371969	1541	DPW-427	03/03/05	03/29/05	26																																																																																	
507254	1541	EMO-353	03/03/05	07/15/05	134																																																																																	
517565	1541	CPA-142	07/29/05	12/13/05	137																																																																																	
512707	1541	CUC-422	07/29/05	10/25/05	88																																																																																	
508221	1541	CUC-421	08/09/05	08/22/05	13																																																																																	
504692	1532	NIMO-46	07/29/05	09/19/05	52																																																																																	
503731	1532	NIMO-46	07/29/05	09/19/05	52																																																																																	
503732	1532	NIMO-46	07/29/05	09/19/05	52																																																																																	
501378	1532	NIMO-46	07/29/05	08/17/05	19																																																																																	
501383	1532	NIMO-46	07/29/05	08/17/05	19																																																																																	
501381	1532	NIMO-46	07/29/05	08/17/05	19																																																																																	
501366	1532	NIMO-46	07/29/05	08/17/05	19																																																																																	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-15, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>			<u>Questioned Costs</u>
<u>Condition, Continued:</u>				
	<u>DR</u>	<u>Project PW #</u>	<u>CR Date</u>	<u>Remaining Balance</u>
	1541	CPA-110	03/03/05	\$ 50,848
	1541	DPS-63	03/03/05	\$ 30,337
	1541	EMO-353	03/03/05	\$ 20,383
	1532	EMO-93	07/29/05	\$ 60,135
	1541	CPA-110	07/29/05	\$ 10,170
	1541	DPS-63	07/29/05	\$ 16,459
	1541	EMO-353	07/29/05	\$ 29,703
	1541	CUC-422	07/29/05	\$ 61,047
	1532	EMO-93	07/29/05	\$ 12,027
	1532	CUC-55	07/29/05	\$ 53,068
	1532	PAO-8	07/29/05	\$ 36,739
	1532	NIMO-46	07/29/05	\$ 42,311

- The interest liability and the amount questioned as a result of the above is \$15,966.

15,966

Cause: The cause of the above condition is lack of procedures in place to ensure cash advanced from the grantor agency is disbursed within a timely manner and that drawdown balances for projects are updated in a timely manner.

Effect: The effect of the above condition is noncompliance with federal cash management requirements and questioned costs of \$15,966 for interest due to the grantor.

Recommendation: We recommend that the Department of Finance implement procedures to ensure that cash is drawn for immediate needs and that cash advances are disbursed in a timely manner.

Prior Year Status: The lack of compliance with federal cash management rules and regulations was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative and Antoinette Calvo, Treasurer

Corrective Action: We agree with the finding but do not feel the costs should be questioned. Duplicate drawdown DPW PW 166-Amount of duplicate drawdown redistributed to reimburse expenditures on other projects.

Duplicate drawdown CUC PW 310- Amount of duplicate drawdown redistributed to reimburse expenditures on other projects.

DSR 48014 negative balance- Amount of excess drawdown redistributed to reimburse expenditures on other projects.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-15, Continued

Program	Reason for Questioned Costs	Questioned Costs
	<u>Auditee Response and Corrective Action Plan, Continued:</u>	
	Corrective Action, Continued:	
	<p>CNMI policy is to disburse advance Federal funds as close to receipt of funds as possible. We will review our procedures with appropriate staff to minimize the timing differences. We feel the audit technique of selecting specific invoices is flawed in that the overall program expenditures versus draw downs is not considered. The agency may not have made payments for other expenditures in the program. Project M4036E, which included two of the vouchers shown with more than 100 days elapsed, had a \$18,877 net receivable at 9/30/05. The other project shown with more than 100 days elapsed, M4036J, was reimbursed for payments issued in January the March drawdown.</p>	
	<p>Undisbursed drawdowns - Amount of excess drawdowns redistributed to reimburse expenditures on other projects.</p>	
	<p>Managing large disasters with hundreds of projects sometimes results in duplicate or excess drawdowns. When this occurs, the excess funds drawn are applied to other projects within the disaster that have reimbursable costs not drawn down. Since costs have already been incurred in another project we do not feel interest should be calculated.</p>	
	<p>Proposed Completion Date: FY2006</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Eligibility

Finding No. 2005-16

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of Labor / WIA Cluster / Federal Award # EM-14471-05-60 / Federal Award Period 10/01/04 - 11/30/05	<p><u>Criteria:</u> In accordance with the grant award, priority to participate in the grant shall be given to those workers who were: (a) dislocated as a result of Super Typhoon Chaba, (b) dislocated workers/individuals who were terminated or laid-off due to reduction in force, closure of business, economic conditions or natural disaster, and (c) individuals who were unemployed for a minimum of four months or more on the beginning dates of the application process. Under the grant, the CNMI shall provide for regular eligibility verification, and shall take prompt action where an ineligible participant is identified.</p> <p>The CNMI's established policies and procedures manual of the National Emergency Grant provides for the following: (a) for dislocated workers due to Typhoon Chaba, a certification of dislocation is required and must be obtained from the CNMI Department of Labor, Employment Services Division and/or termination letter or notice from immediate former employer stating separation from said company due to Super Typhoon Chaba; (b) for workers terminated or laid-off due to reduction in force, closure of business, economic conditions or natural disaster, a termination letter of layoff notice is required from the employer; and (c) for long-term unemployed workers, a certification of long term unemployed status must be obtained from the CNMI Department Labor.</p> <p><u>Condition:</u> Of \$1,676,896 in payroll expenditures, forty-four payroll items totaling \$45,067 were tested under the National Emergency Grant Program. The following were noted:</p>	<p>60,054</p>
	<ul style="list-style-type: none"> • The termination letter or layoff notice due to reduction of force, closure of business, economic conditions or natural disaster from the employer were not made available for seven employees (#s 163364, 372780, 372879, 372942, 442581, 450472 and 476832) who were categorized as "dislocated workers - nonrelated". The total gross salaries amounted to \$60,054. • The statement of long-term unemployed status lacks certification by the CNMI Department of Labor, CNMI Employment Services Division for twenty-two employees (#s 100643, 101055, 101062, 101514, 102064, 120016, 159700, 169629, 372707, 372942, 442581, 442627, 448395, 448396, 448402, 448407, 448468, 450469, 476833, 477005, 477157 and 478106) who were categorized under "Long-Term Unemployed". Additionally, for thirteen individuals (employee #s 100643, 101062, 102064, 120016, 372707, 372942, 442581, 448395, 448407, 450469, 476833, 477157, 478106) certification was made by a program staff instead of the CNMI Department of Labor, CNMI Employment Services Division. The total gross salaries amounted to \$241,191. The remaining amount of \$20,420 is included in the questioned costs of \$60,054. 	<p>220,771</p>

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-16, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
	<u>Condition, Continued:</u>	
	<ul style="list-style-type: none"> • Five employees (#s 101055, 274893, 442627, 445786 and 448395) categorized under "Long-Term Unemployed" appear to have been unemployed for less than four months at date of the employment application process. Additionally, we did not note any employment certification from the previous employer for two individuals (employee #s 448396 and 448402). These individuals were, however, hired to work under the program. The total gross salaries amounted to \$87,537. Of the total gross salaries, questioned costs amount to \$54,209 and the remaining amount of \$33,328 is included in the questioned costs of \$220,771. 	54,209
	<ul style="list-style-type: none"> • The personnel file and relevant documentation supporting eligibility were not made available for review for four individuals (employee #s 101132, 101793, 101486 and 445870). Additionally, the personnel files were provided for two individuals (employee #s 448398 and 450136) but relevant documents supporting eligibility verification were not locatable in the personnel files. Further, the documentation of job description for two employees (#s 448398 and 477005) was not locatable in the personnel files. The total gross salaries amounted to \$109,854, of which \$98,742 is questioned costs. The remaining amount of \$11,112 is included in the questioned costs of \$220,771. 	98,742
	<ul style="list-style-type: none"> • The employment eligibility verification form for two employees (#s 445786 and 448396) lacks evidence of employer review and verification. Total gross salaries amounted to \$33,923, which are included in the questioned costs of \$220,771 and \$54,209. 	
	<ul style="list-style-type: none"> • Seven employees (#s 101055, 101062, 101132, 101568, 101793, 448401 and 448402) were retired CNMI government employees that were allowed to work under the program. The total gross salaries amounted to \$174,480 of which, \$38,197 is questioned costs. The remaining amount of \$136,283 is included in the questioned costs of \$220,771, \$54,209 and \$98,742. 	38,197
	<p><u>Cause:</u> The cause of the above condition is lack of strict compliance with established policies and procedures on eligibility verification.</p> <p><u>Effect:</u> The effect of the above condition is noncompliance with program eligibility requirements and questioned costs of \$471,973.</p> <p><u>Recommendation:</u> We recommend that documentation in support of the criteria be on file.</p> <p><u>Auditee Response and Corrective Action Plan:</u></p> <p>Name of Contact Person: Edith Deleon Guerrero, Director, Workforce Investment Agency, Bernadita C. Palacios, Acting Director Finance & Accounting and Mathilda A. Rosario, Director, Office of Personnel Management</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-16, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
	<p><u>Auditee Response and Corrective Action Plan, Continued:</u></p> <p>Corrective Action: This grant was selected for detail testing after the final draft audit report had been approved by CNMI. The records for this grant had been boxed up and put in storage, which has led to documentation not being readily available for the auditors. In addition, staff turnover at the Workforce Investment Agency has resulted in the current staff being unfamiliar with this grant. Locating the missing documentation will be a time consuming task involving several agencies. Due to the high priority given to issuing this audit report on a timely basis we agree to include the finding in the audit and will continue efforts to locate missing documents.</p> <p>Proposed Completion Date: FY2007</p> <p><u>Auditor Response:</u> With the exception of the four personnel files that were not made available, the related certifications and termination letters are included in the respective employee's personnel file located at the Office of Personnel Management. The issue of noncompliance with the grant requirements has not been addressed.</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Procurement and Suspension and Debarment

Finding No. 2005-17

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of Labor / WIA Cluster / Federal Award # EM-14471-05-60 / Federal Award Period 10/01/04 - 11/30/05	<p>Criteria: Expenditures should be properly supported by invoices and approved contracts. In accordance with Section 3-101 of the CNMI Procurement Regulations, officials with expenditure authority shall provide for full and open competition through the use of competitive procedure that is best suited to the circumstances of the contract action.</p> <p>In addition, pursuant to Section 3-108, Expedited Purchasing in Special Circumstances, Sections (5) and (6) expedited procurement shall be as competitive as possible under the circumstances and the total amount of goods or service that may be approved under this section shall not exceed \$25,000.</p> <p>Condition: The CNMI recorded total rent - office space amounting to \$103,000 at September 30, 2005. During tests of rent expense, the following items were noted:</p> <ul style="list-style-type: none"> • Expenditures amounting to \$8,000 (PV #s 489518 and 489520 totaling \$6,000 and \$2,000, respectively) covering the rental period from September 24, 2004 to January 24, 2005 were incurred prior to the approval of the respective purchase order and purchase requisition (PO # 431484 OP and PR # WIA-NEG-TB-022 approved on January 6, 2005 and December 27, 2004, respectively). Further, there is no indication of the type of procurement method used for such expenditures. • Expenditures amounting to \$10,000 (PV #s 502260 and 502261 totaling \$4,000 and \$6,000, respectively) covering the rental period February 2005 to June 2005 were incurred prior to the execution of the contract. The certification of contract completion for contract # 436877-OC was finalized on May 11, 2005. The award and commencement date of the contract was February 28, 2005 and February 1, 2005, respectively. Therefore, the cost of February rental is questioned since such was incurred prior to the award. • Expenditures amounting to \$32,000 covering the rental period October 2004 through January 2005 were procured through expedited procurement. The related purchase order and purchase requisition (PO # 429853 OP and PR # WIA NEG 5B 003) were approved on December 1, 2004 and November 12, 2004, respectively. No other quotations were located in file to determine that competitive procurement procedures occurred. • The bidding period for contract # 433289 OC was less than thirty days. The initial public notice was issued on December 21, 2004 and bids were subsequently opened on January 12, 2005. A determination from the Director of Procurement & Supply authorizing the bid openings prior to the thirty days was not made available. No questioned costs result from this finding as the contract was awarded prior to expenditures being incurred. 	<p>8,000</p> <p>2,000</p> <p>32,000</p>

Cause: The cause of the above condition is the lack of adherence to the CNMI Procurement Regulations.

Effect: The effect of the above condition is questioned costs of \$42,000.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-17, Continued

Program	Reason for Questioned Costs	Questioned Costs
	<p><u>Recommendation:</u> We recommend all procurement regulations be strictly adhered to.</p> <p><u>Auditee Response and Corrective Action Plan:</u></p> <p>Name of Contact Person: Edith Deleon Guerrero, Director, Workforce Investment Agency and Herman Sablan, Director, Procurement & Supply</p> <p>Corrective Action: This grant was selected for detail testing after the final draft audit report had been approved by CNMI. The records for this grant had been boxed up and put in storage, which has led to documentation not being readily available for the auditors. In addition, staff turnover at the Workforce Investment Agency has resulted in the current staff being unfamiliar with this grant. Locating the missing documentation will be a time consuming task involving several agencies. Due to the high priority given to issuing this audit report on a timely basis we agree to include the finding in the audit and will continue efforts to locate missing documents.</p> <p>Proposed Completion Date: FY2007</p> <p><u>Auditor Response:</u> The procurement documents for the related contracts can be reviewed at the Division of Procurement & Supply. The entity has not addressed the lack of compliance with procurement regulations.</p>	

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Special Tests and Provisions

Finding No. 2005-18

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>																																						
U.S. Department of Labor / WIA Cluster / Federal Award # EM-14471-05-60 / Federal Award Period 10/01/04 - 11/30/05	<p><u>Criteria:</u> Under the grant terms and conditions, eligible dislocated workers temporarily dislocated due to the disaster and long-term unemployed individuals may not be employed in temporary jobs under the grant for more than six months, or 1,040 hours related to recover from a single natural disaster. Additionally, the grant also provides that the maximum wage paid to any one participant is \$12,000 (excluding fringe).</p> <p><u>Condition:</u> Of \$1,676,896 payroll expenditures, forty-four payroll items totaling \$45,067 were tested under the National Emergency Grant Program. The following were noted:</p> <ul style="list-style-type: none"> • Twenty-six individuals (employee #s 100643, 101055, 101062, 101514, 101568, 102064, 159700, 169629, 372707, 372780, 372879, 372942, 442581, 442627, 448396, 448402, 448407, 448468, 450469, 450472, 445786, 448395, 448396, 476832, 476833 and 477005) were employed for more than six months. Additionally, while four employees (#s 101132, 448398, 445870 and 450136) were employed for less than six months, their actual hours exceeded the 1,040 hours allowed under the grant. • Wages paid to seventeen individuals exceeded the \$12,000 threshold by \$147,905. Details follow: <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Employee No.</u></th> <th style="text-align: center;"><u>Excess of \$12,000</u></th> </tr> </thead> <tbody> <tr><td style="text-align: center;">100643</td><td style="text-align: right;">\$ 390</td></tr> <tr><td style="text-align: center;">101055</td><td style="text-align: right;">28,855</td></tr> <tr><td style="text-align: center;">101062</td><td style="text-align: right;">4,268</td></tr> <tr><td style="text-align: center;">101132</td><td style="text-align: right;">34,545</td></tr> <tr><td style="text-align: center;">101568</td><td style="text-align: right;">21,529</td></tr> <tr><td style="text-align: center;">101514</td><td style="text-align: right;">5,960</td></tr> <tr><td style="text-align: center;">101793</td><td style="text-align: right;">212</td></tr> <tr><td style="text-align: center;">102064</td><td style="text-align: right;">2,772</td></tr> <tr><td style="text-align: center;">159700</td><td style="text-align: right;">1,195</td></tr> <tr><td style="text-align: center;">169629</td><td style="text-align: right;">245</td></tr> <tr><td style="text-align: center;">372707</td><td style="text-align: right;">755</td></tr> <tr><td style="text-align: center;">448395</td><td style="text-align: right;">11,672</td></tr> <tr><td style="text-align: center;">448396</td><td style="text-align: right;">11,955</td></tr> <tr><td style="text-align: center;">448402</td><td style="text-align: right;">8,404</td></tr> <tr><td style="text-align: center;">448407</td><td style="text-align: right;">9,338</td></tr> <tr><td style="text-align: center;">448468</td><td style="text-align: right;">365</td></tr> <tr><td style="text-align: center;">450136</td><td style="text-align: right;"><u>5,445</u></td></tr> <tr><td colspan="2" style="text-align: right;"><u>\$ 147,905</u></td></tr> </tbody> </table>	<u>Employee No.</u>	<u>Excess of \$12,000</u>	100643	\$ 390	101055	28,855	101062	4,268	101132	34,545	101568	21,529	101514	5,960	101793	212	102064	2,772	159700	1,195	169629	245	372707	755	448395	11,672	448396	11,955	448402	8,404	448407	9,338	448468	365	450136	<u>5,445</u>	<u>\$ 147,905</u>		7,520
<u>Employee No.</u>	<u>Excess of \$12,000</u>																																							
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<u>\$ 147,905</u>																																								

Cause: The cause of the above condition is the lack of policies and procedures to monitor time charges as required by the grant.

Effect: The effect of the above condition is failure to comply with established program requirements and questioned costs of \$7,520. The remaining amount of \$140,385 is included in the questioned costs in Finding No. 2005-16.

Recommendation: We recommend strict compliance with program requirements.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-18, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
	<p><u>Auditee Response and Corrective Action Plan:</u></p> <p>Name of Contact Person: Edith Deleon Guerrero, Director, Workforce Investment Agency</p> <p>Corrective Action: This grant was selected for detail testing after the final draft audit report had been approved by CNMI. The records for this grant had been boxed up and put in storage which has led to documentation not being readily available for the auditors. In addition, staff turnover at the Workforce Investment Agency has resulted in the current staff being unfamiliar with this grant. Locating the missing documentation will be a time consuming task. Due to the high priority given to issuing this audit report on a timely basis we agree to include the finding in the audit and will continue efforts to locate missing documents.</p> <p>Proposed Completion Date: FY2007</p> <p><u>Auditor Response:</u> The total gross pay and hours information were obtained during our review of the payroll registers for the fiscal year readily available in the CNMI's system. The entity's inability to locate related documents, however, does not address the noncompliance with the hours and dollar limitations imposed by the grant.</p>	
	Total Questioned Costs	\$ <u>718,786</u>

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security
Allowable Costs/Cost Principles - Public Assistance Grants
CFDA #97.036, Federal Award #s 1541DRMPP00000001 and 1532DRMPP00000001
Federal Award Periods 08/26/04 through completion and 07/29/04 through completion

Finding No. 2005-19

Criteria: Allowable expenditures should be charged to the program in the proper period.

Condition: Of total drawdowns of \$4,634,289, costs reimbursed for four projects were charged to the program in the subsequent period as follows:

<u>DR</u>	<u>Project PW #</u>	<u>Journal Entry</u>	<u>Date</u>	<u>Amount</u>
1541	DPW-380	119159	02/03/06	\$ 111,560
1541	DPS-63	120932	03/23/06	\$ 51,956
1541	DPW-427	119890	02/24/06	\$ 46,682
1532	NIMO-46	120091	03/01/06	\$ 9,152

The above has been corrected through proposed audit adjustments.

Cause: The cause of the above condition is the delayed transfer of expenditures from the general fund into the appropriate program cost centers.

Effect: The effect of the above condition is understated expenditures in the Financial Status Reports, FEMA 20-10.

Recommendation: We recommend that allowable costs be charged to the program in the proper period.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative

Corrective Action: We agree expenditures were posted in the subsequent fiscal year. Even though costs have been incurred by the agencies, delays in completing the proper documentation to book costs sometimes occur. We will review proposed adjusting entry and record as recommended by the auditors.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security
Allowable Costs/Cost Principles - Public Assistance Grants
CFDA #97.036, Federal Award #s MP02PA1430 and 1541DRMPP00000001
Federal Award Periods 08/06/02 through completion and 08/26/04 through completion

Finding No. 2005-20

Criteria: 44 CFR Section 206.228 restricts eligible direct costs for applicant-owned equipment used to perform eligible work to reasonable rates that were established under State guidelines, or when the hourly rate exceeds \$75, rates may be determined on a case-by-case basis by FEMA. When local guidelines are used to establish equipment rates, reimbursement is based on those rates or rates in a Schedule of Equipment Rates published by FEMA, whichever is lower.

Condition: Of \$1,425,190 expenditures tested, we noted the following:

- The equipment rates used for two Typhoon Chaba (DR1541) projects (PW 437 and PW 442) could not be verified as the description of the equipment, per the Forced Equipment Record, is different from the FEMA equipment rate schedule and no equipment code was indicated to ensure that the proper rate was used. The entity was non-compliant during the audit period.
- The equipment rates used for one Typhoon Chata'an (DR 1430) project (PW 50) were higher than the FEMA rates used in estimation stipulated in scope of work. Local rates were used instead.

Cause: The cause of the above condition is lack of established local guidelines relating to equipment rates.

Effect: The effect of the above condition is the risk of unauthorized rates being used. No questioned costs result from the condition above as grantor approval was subsequently obtained.

Recommendation: We recommend that a local equipment rate guideline be established and be approved by the grantor.

Prior Year Status: The lack of established local guidelines relating to equipment rates was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative

Corrective Action: We agree that CNMI does not have established guidelines on the use of applicant owned equipment rates. We will work with the Department of Public Works to establish these rates.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Accounts Payable/Allowable Costs/Cost Principles - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-21

Criteria: Expenditures should be recorded when incurred.

Condition: Of total program expenditures of \$2,211,441 at September 30, 2005, professional services of \$1,661,534 and nonpayroll expenses of \$182,319 were tested. Of eighty-six items tested, thirty-two items, totaling \$509,945 included billings from service providers for services rendered in prior years. These expenditures represent those approved by the local Medicaid Office, which were subsequently forwarded to the Department of Finance (DOF) for recording and payment. We also noted that after processing of service provider billings by DOF, payments are then released to the local Medicaid office, which forwards such to the service provider.

Cause: The cause of the above condition is the lack of policies and procedures established by the Medicaid office regarding timely recognition of expenditures at the time services are rendered and proper controls over the distribution of payments.

Effect: The effect of the above condition is that expenditures reported to the grantor agency are based on paid date and not service date. Further, actual expenditures incurred during the year are not properly accrued resulting in the understatement of current year expenditures and unrecorded liabilities. This condition results in a qualification of accounts payable on the financial statements. As Medical Assistance Program expenditures are limited to the amount of the grant award, this condition will only result in additional local matching expenditures and does not result in questioned costs.

Recommendation: We recommend that the Medicaid office ensure that all billings received are reviewed and forwarded to the Department of Finance in a timely manner to ensure that expenditures are properly recorded. We also recommend that the Department of Finance establish control procedures related to the distribution of vendor payments.

Prior Year Status: The lack of policies and procedures established by the Medicaid office regarding the timely recognition of expenditures at the time services are rendered was reported as a finding in the Single Audits of the CNMI for fiscal years 2003 and 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen Sablan, Medicaid Administrator

Corrective Action: While we agree that prior year services are paid with current year funds and that unprocessed claims are not included in the financial statements, we do not feel this should result in an audit finding.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-21, Continued

Auditee Response and Corrective Action Plan, Continued:

Corrective Action, Continued:

Medicaid funding for the territories is capped at a minimal level. Billings received after Medicaid funding, including the required state match, is exhausted for the fiscal year are carried over for payment in the subsequent year. The CNMI Operational Plan includes a waiver under section 1902(j) of the Social Security Act from all Title XIX program requirements except the three specific provisions that cannot be waived. The waiver of timely payment of claims by the federal agency allows payment of prior year claims.

Since there is no funding or appropriation for these claims they cannot be processed for payment by the Department of Finance and do not constitute additional local match for a given fiscal year. Billings received but not paid in a given year are an unfunded liability which could be disclosed in a footnote. We will discuss options for including the amount to be paid in the subsequent year in the financial statements. Future Medicaid funding will be used to pay unpaid current billings.

We are uncertain what the recommendation regarding establishing control procedures over vendor payments relates to. Treasury releases the checks to the Medicaid Office for distribution to the vendors so that proper account documentation can be included with the payment.

Proposed Completion Date: FY2006

Auditor Response: All services received by Medicaid recipients during the year should be properly accounted for and recorded in the general ledger for financial statement purposes.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Allowable Costs/Cost Principles - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-22

Criteria: Pursuant to the provisions of the CNMI Medicaid Operational Plan, charges to the CNMI Medicaid Program shall be no more than those established for similar services at the Commonwealth Health Center (CHC). If CHC does not have a rate for the particular claimed service, then the rate shall be the Medicare rate, using the Medicare principles of cost reimbursement. For off-island charges, the CNMI Medicaid adheres to the rates applicable to the respective States.

Condition: The CNMI Medicaid does not maintain a list of service rates for services not included on the CHC list of service fees. Since the CHC list of rates does not include prescriptions and optometrist services, verification of the accuracy of rates was not performed for the following:

<u>General Ledger Date</u>	<u>General Ledger Account</u>	<u>Reference No.</u>	<u>Amount</u>
10/29/04	62060	PV353977	\$ 81,295
10/29/04	62060	PV353979	59,428
11/02/04	62060	PV354315	62,276
11/24/04	62060	PV356586	13,455
11/29/04	62060	PV356756	15,848
12/03/04	62060	PV357723	75,217
01/17/05	62060	PV361895	13,479
01/17/05	62060	PV361922	53,783
01/17/05	62060	PV361936	13,654
02/28/05	62060	PV368919	16,267
02/28/05	62060	PV368920	15,454
03/14/05	62060	PV371160	47,135
03/18/05	62060	PV371784	48,336
03/18/05	62060	PV371786	55,387
05/10/05	62060	PV377993	28,865
05/10/05	62060	PV377994	17,456
05/10/05	62060	PV377996	15,762
05/10/05	62060	PV377997	80,570
05/13/05	62060	PV378496	20,602
05/13/05	62060	PV378497	13,264
01/17/05	62060	PV361930	5,487
05/10/05	62060	PV377998	<u>2,612</u>
			<u>\$ 755,632</u>

In addition, for one off-island service provider, the Medicaid office could not perform rate verification since it does not maintain a list of service rates.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-22, Continued

Condition, Continued:

<u>General Ledger Date</u>	<u>General Ledger Account</u>	<u>Reference No.</u>	<u>Amount</u>
06/27/05	62060	PV384502	\$ 3,268
06/28/05	62060	PV384698	6,575
06/28/05	62060	PV384719	<u>6,615</u>
			\$ <u>16,458</u>

Based on the results of our tests, the services provided were eligible and in accordance with the Operational Plan; therefore, no questioned costs result.

Cause: The cause of the above condition is the lack of clearly defined and communicated procedures for verification of rates charged by the service providers.

Effect: The effect of the above condition is a control weakness over allowable activities and costs reimbursable under the Medicaid Program.

Recommendation: We recommend that control procedures be clearly defined and communicated over verification of service rates charged to the Medicaid program.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen Sablan, Medicaid Administrator

Corrective Action: The Commonwealth Health Center (CHC) does not provide prescriptions or optometrist services so they do not have a rate schedule for services they do not provide. As noted in the criteria, the service is then paid at the Medicare rate and that is the rate against which verification should be made. In the case of PHI (prescription services), there is a contract that sets reimbursement at the average wholesale price less 10.5% plus a dispensing fee of \$4.67.

In the case of the one off island provider for which the finding states a list of service rates is not maintained (San Diego Childrens' Hospital), a contract is in place which specifies a discounted rate of 39% of the total bill after 6/30/04.

As noted in the finding, all services provided were eligible and in accordance with the operational plan.

Proposed Completion Date: FY2006

Auditor Response:

We are not able to determine that such rates used agree to Medicare rates as the CNMI Medicaid does not maintain such a listing. In addition, there is no evidence of rate verification.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Allowable Costs/Cost Principles - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-23

Criteria: Part 3 of the revised Operation Plan, delineates types of services that are allowed under the Medicaid Program. Part 4 establishes the basis for determining propriety of rates by service providers.

Condition: Actual billings and/or invoices from two service providers were not provided to support payment vouchers. Of eighty-six items tested totaling \$1,843,853, twelve items totaling \$595,066 were not reviewed for eligibility of services or for propriety of rates charged. Further, we were unable to determine that the third party liability was properly recognized for participants who have such coverage. Based on our tests, the eligibility of services was in accordance with Part 3 of the revised Operational Plan; therefore, no questioned costs result from this condition. Details as follows:

<u>General Ledger Date</u>	<u>General Ledger Account</u>	<u>Reference No.</u>	<u>Amount</u>
10/29/04	62060	PV353977	\$ 81,295
10/29/04	62060	PV353979	\$ 59,428
01/17/05	62060	PV361922	\$ 53,783
03/14/05	62060	PV371160	\$ 47,135
03/18/05	62060	PV371784	\$ 48,336
03/18/05	62060	PV371786	\$ 55,388
05/10/05	62060	PV377996	\$ 15,762
05/10/05	62060	PV377997	\$ 80,570
05/13/05	62060	PV378497	\$ 13,264
05/10/05	62060	PV377998	\$ 2,612
11/02/04	62060	PV354315	\$ 62,276
12/03/04	62060	PV357723	\$ 75,217

Cause: The cause of the above condition is the lack of clearly defined and communicated procedures for verification of billings prior to reimbursement.

Effect: The effect of the above condition is a control weakness over allowable activities and costs reimbursable under the Medicaid Program.

Recommendation: We recommend that control procedures be clearly defined and communicated over verification of services charged to the Medicaid Program. In June 2003, the Medicaid Office implemented procedures for verification of rates charged by service providers.

Prior Year Status: The lack of clearly defined and communicated procedures for verification of billings prior to reimbursement was reported as a finding in the Single Audits of the CNMI for fiscal years 2002 through 2004.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-23, Continued

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen C. Sablan, Medicaid Administrator

Corrective Action: Effective in January 2005, the one provider is now submitting the required invoices along with the spreadsheet. Prior to that date, the invoices had been submitted subsequent to the spreadsheet and reviewed at that time. The spreadsheet is still submitted as the supporting documentation for payment to the Department of Finance due to the bulkiness of the detail invoices. We feel the spreadsheet contains sufficient detail, including case # and RX #, for this purpose. We will review the one PV cited that is not related to prescriptions to determine its status. As noted by the auditors, the eligibility of the services was in accordance with Part 3 of the revised Operational Plan.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Allowable Costs/Cost Principles - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-24

Criteria: Hours charged to overtime and paid time-off (PTO) should be properly authorized and approved prior to payment. In addition, all deductions and auto deposits should be supported by written authorizations.

Condition: Of the total program payroll expenditures of \$86,469, two employees with total gross pay of \$2,663 were tested. Of the two employees tested, one employee included overtime and PTO charges of \$242 but no approved overtime authorization and annual leave forms for such employee were not provided for review as follows:

<u>Employee No.</u>	<u>Payroll Period Ended</u>	<u>No. of PTO Hours</u>	<u>No. of Overtime Hours</u>
103083	07/09/05	4	13.5

Cause: The cause of the above condition is failure to verify overtime and PTO hours to supporting authorizations prior to payment and failure to obtain and file written authorizations supporting allotments and auto deposits.

Effect: The effect of the above condition is the potential for use of federal funds for unauthorized purposes. However, no questioned costs result from the condition as the estimated error is less than \$10,000.

Recommendation: We recommend that Medicaid personnel strictly implement policies on overtime and PTO hours to ensure that only authorized hours are charged to the program. Further, we recommend that the entity strictly require written authorizations to support all allotments and auto deposits.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen C. Sablan, Medicaid Administrator

Corrective Action: Timekeeping has been centralized at the Department of Public Health. A copy of the annual leave form has been requested but not received yet. The Attorney General's Office has the overtime documents as part of an investigation.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Allowable Costs/Cost Principles - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-25

Criteria: Expenditures should be properly authorized, supported by documents, and approved prior to incurrence.

Condition: We noted the following:

- For nine off-island expenditures, the supporting medical referrals or travel authorizations were not on file:

<u>General Ledger</u> <u>Date</u>	<u>General Ledger</u> <u>Account</u>	<u>Reference No.</u>	<u>Amount</u>
04/21/05	62060	PV375469	\$ 11,502
04/21/05	62060	PV375470	26,051
04/21/05	62060	PV375482	42,556
06/28/05	62060	PV384706	22,428
06/28/05	62060	PV384739	14,873
06/27/05	62060	PV384606	2,276
06/28/05	62060	PV384719	6,615
06/28/05	62060	PV384741	6,482
09/19/05	62060	PV398919	1,135
03/22/05	62060	PV382088	12,160
04/21/05	62060	PV375482	27,538
12/28/04	62060	PV359725	<u>3,692</u>
			<u>\$ 177,308</u>

- For five off-island expenditures, the medical referral/travel authorization approval date was later than the service date:

<u>General Ledger</u> <u>Date</u>	<u>General Ledger</u> <u>Account</u>	<u>Reference No.</u>	<u>Amount</u>
03/22/05	62060	PV372085	\$ 11,103
03/22/05	62060	PV372089	120,796
06/13/05	62060	PV382374	120,796
01/25/05	62060	PV363569	3,811
04/21/05	62060	PV375466	<u>5,254</u>
			<u>\$ 261,760</u>

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-25, Continued

Condition, Continued:

- For eight off-island expenditures, the medical referral/travel authorization approval date is not stated.

<u>General Ledger Date</u>	<u>General Ledger Account</u>	<u>Reference No.</u>	<u>Amount</u>
06/28/05	62060	PV384681	\$ 62,466
01/24/05	62060	PV363493	2,260
06/01/05	62060	PV381110	2,043
06/01/05	62060	PV381122	1,125
06/02/05	62060	PV381227	1,708
06/24/05	62060	PV384230	1,901
06/27/05	62060	PV384502	3,269
06/27/05	62060	PV384570	<u>1,160</u>
			\$ <u>75,932</u>

Cause: The cause of the above condition is failure to obtain appropriate approvals and authorizations prior to incurring expenditures and failure to submit all supporting documents for filing.

Effect: The effect of the above conditions is the lack of support for the authorization of expenditures prior to incurrence. Further, there is a lack of explanation for medical/travel authorization occurring subsequent to the service date. The costs, however, will not be questioned as services were eligible and in accordance with the Operation Plan.

Recommendation: We recommend that the Medicaid office obtain all necessary approvals/authorizations prior to incurrence/payment of expenditures and ensure that supporting documents are properly and completely filed.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen Sablan, Medicaid Administrator and Bernadita C. Palacios, Acting Director Finance & Accounting

Corrective Action: Medical referral authorizations are maintained by the Medical Referral Office. Medicaid has requested these documents. In past years we have been able to document this type of missing document finding but given the emphasis on timely completion of the final audit, this portion of the finding will probably remain in the final audit. We do not feel the cause is lack of approvals and/ or authorizations but rather documents filed in several offices.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Allowable Costs/Cost Principles - All Major Programs

Finding No. 2005-26

Criteria: In accordance with OMB Circular A-87, *Cost Principles for State, Local and Indian Tribal Governments*, Attachment E, Section D 1(d), indirect cost proposals must be developed (and, when required, submitted) within six months after the close of the governmental unit's fiscal year, unless an exception is approved by the cognizant Federal agency. If the proposed central service cost allocation plan for the same period has not been approved by that time, the indirect cost proposal may be prepared including an amount for central services that is based on the latest federally approved central service cost allocation plan. The difference between these central service amounts and the amounts ultimately approved will be compensated for by an adjustment in a subsequent period.

Condition: During the year ended September 30, 2005, the CNMI applied the 2003 indirect cost rate on eligible federal programs without obtaining the cognizant agency's approval.

Cause: The cause of the above condition is the cognizant agency's approval was not obtained.

Effect: The effect of the above condition is the possible misstatement of expenditures.

Recommendation: We recommend that prior approval from the cognizant agency be obtained prior to applying the indirect cost rate on eligible federal programs. We also recommend internal calculations be made to determine potential offsets and/or Carr forwards.

Prior Year Status: The lack of prior approval from the cognizant agency prior to applying the indirect cost rate on eligible federal programs was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance

Corrective Action: According to email from our cognizant agency dated June 22, 2006, all indirect costs should not be questioned for lack of updated rate. Rather finding should question procedure with recommendation that rates be approved and amounts recalculated as necessary with offsets or carry forwards depending on the final corrected amount. They will provide additional feedback in the near future.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Cash Management - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-27

Criteria: The *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (the Common Rule) states: "Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements."

Condition: For sixty-one of eighty-six samples tested, disbursement checks were released and cleared from four to fifty-eight days after cash was received from the grantor agency, as follows:

<u>Document #</u>	<u>Amount</u>	<u>Check Number</u>	<u>Clearing Date</u>	<u>Reimbursement Date</u>	<u>Days Lapsed</u>
PV353977	\$ 81,295	260116	01/06/05	11/19/04	48
PV353979	\$ 59,428	260117	01/07/05	11/19/04	49
PV354315	\$ 62,276	260108	01/06/05	12/16/04	21
PV356586	\$ 13,455	260105	12/31/04	12/16/04	15
PV356756	\$ 15,848	260107	01/10/05	12/16/04	25
PV357723	\$ 75,217	260067	12/29/04	12/16/04	13
PV361895	\$ 13,479	264590	03/03/05	02/07/05	24
PV361922	\$ 53,783	265379	04/06/05	02/07/05	58
PV361936	\$ 13,654	265380	04/05/05	02/07/05	57
PV368919	\$ 16,267	266658	04/11/05	03/23/05	19
PV368920	\$ 15,454	266132	04/11/05	03/23/05	19
PV371160	\$ 47,135	267140	04/19/05	03/23/05	27
PV371784	\$ 48,336	267141	04/19/05	03/23/05	27
PV371786	\$ 55,387	267142	04/19/05	03/23/05	27
PV372085	\$ 11,103	268052	05/10/05	04/04/05	36
PV382088	\$ 12,160	268203	05/10/05	04/04/05	36
PV372089	\$ 120,796	268163	05/09/05	04/04/05	35
PV375469	\$ 11,502	270612	07/05/05	05/24/05	42
PV375470	\$ 26,051	270612	07/05/05	05/24/05	42
PV375482	\$ 42,556	270612	07/05/05	05/24/05	42
PV375482	\$ 27,538	270612	07/05/05	05/24/05	42
PV377993	\$ 28,865	271576	07/13/05	05/24/05	50
PV377994	\$ 17,456	271576	07/13/05	05/24/05	50
PV377996	\$ 15,762	270685	06/21/05	05/24/05	28
PV377997	\$ 80,570	270685	06/21/05	05/24/05	28
PV378494	\$ 17,412	271162	06/28/05	05/24/05	35
PV378496	\$ 20,602	271512	06/23/05	05/24/05	30
PV378497	\$ 13,264	270581	06/10/05	05/24/05	17
PV384739	\$ 14,873	273994	10/04/05	09/23/05	11
PV455640	\$ 125,000	257488	12/07/04	11/19/04	18
PV363843	\$ 125,000	261819	02/23/05	02/07/05	16
PV359725	\$ 3,692	263987	03/25/05	02/07/05	46
PV361930	\$ 5,487	265380	04/05/05	02/07/05	57
PV362439	\$ 8,903	264669	03/04/05	02/07/05	25
PV363343	\$ 3,230	264022	03/21/05	02/07/05	42

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005Finding No. 2005-27, ContinuedCondition, Continued:

<u>Document #</u>	<u>Amount</u>	<u>Check Number</u>	<u>Clearing Date</u>	<u>Reimbursement Date</u>	<u>Days Lapsed</u>
PV363220	\$ 7,351	263987	03/25/05	02/07/05	46
PV363493	\$ 2,260	264017	03/21/05	02/07/05	42
PV363569	\$ 3,811	263893	03/16/05	02/07/05	37
PV369017	\$ 2,691	266763	04/26/05	03/23/05	34
PV369145	\$ 3,383	266718	04/29/05	03/23/05	37
PV372079	\$ 1,431	268203	05/10/05	04/04/05	36
PV372087	\$ 4,472	268644	05/31/05	04/04/05	57
PV375466	\$ 5,254	270612	07/05/05	05/24/05	42
PV377998	\$ 2,612	270685	06/21/05	05/24/05	28
PV378621	\$ 4,232	271381	07/12/05	05/24/05	49
PV378668	\$ 3,105	271831	06/20/05	05/24/05	27
PV378699	\$ 2,060	270652	07/13/05	05/24/05	50
PV381110	\$ 2,043	274133	10/03/05	09/23/05	10
PV384226	\$ 1,088	274679	10/04/05	09/23/05	11
PV384230	\$ 1,901	274339	10/03/05	09/23/05	10
PV384502	\$ 3,268	273909	10/11/05	09/23/05	18
PV384570	\$ 1,160	274326	10/06/05	09/23/05	13
PV384606	\$ 2,276	274007	10/12/05	09/23/05	19
PV384732	\$ 3,366	274763	10/04/05	09/23/05	11
PV384741	\$ 6,482	273994	10/04/05	09/23/05	11
PV356585	\$ 13,586	260065	12/27/04	12/16/04	11
PV362438	\$ 13,246	261752	02/11/05	02/07/05	4
PV370687	\$ 13,613	265216	03/29/05	03/23/05	6
PV356757	\$ 21,999	260105	12/31/04	12/16/04	15
PV361894	\$ 14,195	264590	03/03/05	02/07/05	24
PV361935	\$ 5,730	265380	04/05/05	02/07/05	57

Cause: The cause of the above condition is a lack of procedures in place to ensure cash advanced from the grantor agency is disbursed within a timely manner.

Effect: The effect of the above condition is noncompliance with federal cash management requirements. However, no questioned costs result from the condition as the estimated interest liability to the U.S. Department of Health and Human Services is less than \$10,000.

Recommendation: We recommend that procedures be established to ensure that cash advances are disbursed within a timely manner.

Prior Year Status: The lack of procedures in place to ensure cash advanced from the grantor agency is disbursed within a timely manner was reported as a finding in the Single Audits of the CNMI for fiscal years 2002 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Antoinette Calvo, CNMI Treasurer and Helen C. Sablan, Medicaid Administrator

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-27, Continued

Auditee Response and Corrective Action Plan:

Corrective Action: CNMI policy is to disburse advance Federal funds as close to receipt of funds as possible. We will review our procedures with appropriate staff to minimize the timing differences. In the case of Medicaid, we disagree that we receive advance funds. Due to insufficient funding, the Commonwealth Health Center (CHC) does not receive Medicaid reimbursements so that grant funds can be utilized to pay non governmental providers. When drawdowns are requested, CHC has already spent many times more than the drawdown amount on Medicaid services. Rather than reimburse CHC, grant and matching funds are used to pay non CNMI Government vendors.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Eligibility - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-28

Criteria: Sufficient controls should be in place to ensure that only eligible individuals receive benefits under the CNMI Medicaid Program.

Condition: The CNMI Medicaid Office relies on an electronic database for verifying eligibility of individuals charged to the CNMI Medicaid program by service providers. Access to this database is currently not controlled. Updates to the database are made by eligibility workers. Independent reviews or verification of the information posted to the database is not occurring.

Cause: The cause of the above condition is a lack of adequately defined control procedures over the program's electronic system.

Effect: The effect of the above condition is a weakness in controls over the integrity of the eligible participant's database.

Recommendation: We recommend that the independent review of information posted to the eligible participants list regularly occur and be properly evidenced. Further, the individual performing the review should be independent of the data entry process. Specifically, it is recommended that a sample of posted information be traced to original manual documents on a periodic basis. These tests, if performed, should be documented. We further recommend that controls be implemented to restrict access to the database to authorized personnel.

Prior Year Status: The lack of adequately defined control procedures over the Program's electronic system was reported as a finding in the Single Audits of the CNMI for fiscal years 2002 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen C. Sablan, Medicaid Administrator

Corrective Action: We agree with the finding. The Medicaid Office recently purchased new computers that provide a user security and password function. Data base updates are done by the eligibility workers and verified by the administrative clerk. Changes are documented in the recipients file and initialed by the person updating the record and the verifier. The accounting clerks are restricted to verifying eligibility and third party liability information only.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture
Equipment and Real Property Management - Food Stamps
CFDA #10.551, Federal Award # 7NM4004NM
Federal Award Period 10/01/04- 09/30/05

U.S. Environmental Protection Agency
Equipment and Real Property Management - Environmental Protection Consolidated Grants-
Program Support
CFDA #66.600, Federal Award # M-009156-04
Federal Award Period 10/01/03 - 09/30/08

U.S. Department of Homeland Security
Equipment and Real Property Management - Public Assistance Grants
CFDA #97.036, Federal Award #s MP03PA1447, MP02PA1430, MR11924160, MR11944160,
1532DRMPP00000001 and 1541DRMPP00000001
Federal Award Periods 12/11/02 through completion, 08/06/02 through completion, 12/08/97
through completion, 12/24/97 through completion, 07/29/04 through completion and 08/26/04
through completion

Finding No. 2005-29

Criteria: The *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (the Common Rule) states that procedures for managing equipment, whether acquired in whole or in part with grant funds, will meet the following requirements:

- a. Property records must be maintained;
- b. A physical inventory of the property must be taken and the results reconciled with the property records at least every two years;
- c. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property;
- d. Adequate maintenance procedures must be developed to keep the property in good condition; and
- e. If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

In addition, the CNMI Property Management Policies and Procedures requires the Division of Procurement and Supply to conduct an annual inventory of property held by a designated official who has administrative control over the use of personal property within his area of jurisdiction.

Condition: The Food Stamps Program (Food Stamps) conducted its annual physical inventory in March 2005 but finalized the listing in September 2005. There was no reconciliation of differences with records maintained at the Division of Procurement and Supply.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-29, Continued

Condition, Continued:

During the year ended September 30, 2005, the Division of Environmental Quality (DEQ) maintained a fixed asset listing representing its physical count as of fiscal year 2001 and all fixed assets acquisition from fiscal year 2002 through 2005. Further, the Division of Procurement and Supply (P&S) also maintained a master listing of DEQ's fixed asset. Both divisions, however, did not conduct an inventory counts during fiscal years ended 2002 through 2005. Reconciliation between the listings was not performed which resulted in differences. In addition, DEQ listings did not indicate the total of the assets or the percentage of federal share in the asset. In addition, of ten items selected for physical observation, two items (US31496CM and US2861CM) were not made available.

Although an inventory listing is maintained at the Public Assistance Office, it does not include all requirements of the Common Rule and has not been reconciled with P&S.

Cause: The cause of the above condition is a lack of adherence to established policies and procedures regarding physical inventory counts of property and equipment and the lack of a reconciliation between the master listing maintained by Procurement and Supply and that of the agencies.

Effect: The effect of the above condition is that the CNMI is not in compliance with federal property standards and the CNMI Property Management Policies and Procedures.

Recommendation: We recommend that the CNMI perform an inventory of its fixed assets and ensure compliance with applicable federal property rules and regulations and the CNMI Property Management Policies and Procedures.

Prior Year Status: The lack of compliance with federal property rules and regulations was reported as a finding in the Single Audits of the CNMI for fiscal years 1987 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Herman Sablan, Director, Procurement and Supply, Virginia Villagomez, Governor's Authorized Representative, Eleanor Cruz, NAP Administrator and Frank M. Rabauliman, Director, DEQ

Corrective Action: We agree with finding. The established inventory procedures are for Procurement & Supply to annually prepare and distribute inventory listings to each accountable activity; the activity to perform an inventory and submit any changes to Procurement & Supply; and Procurement & Supply to update the master inventory control record and provide an updated copy to the activity. Procurement and Supply (P&S) will coordinate with the DEQ, NAP and Public Assistance offices to insure annual inventories are performed and the results submitted to P&S. NAP conducted an inventory on March 15, 2005 and submitted to P&S in September 2005. Changes will be updated in the master inventory control record. DEQ received a copy of their inventory listing from P&S in March 2006 and is in the process of reconciling their inventory to that listing. DEQ has a control system in place with adequate safeguards to prevent loss, damage or theft of property. The Public Assistance Office does maintain an inventory listing but it does not include all required data and has not been reconciled with Procurement & Supply records.

Proposed Completion Date: Ongoing

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security
Matching, Level of Effort, Earmarking - Public Assistance Grants
CFDA #97.036, Federal Award # MR11944160
Federal Award Periods 12/24/97 through completion

Finding No. 2005-30

Criteria: Costs must be on a shared basis, as specified in the FEMA-State agreement.

Condition: Of total expenditures of \$1,425,190 tested, the local share for one Typhoon Paka (DR 1194) project DSR 54738/48014 was recorded in the federal account for which no matching share was duly recorded in the general fund. The total fiscal year 2005 expenditures for this project were \$649,125 for which \$162,281 is the local share. As the federal share is properly reported on the Financial Status Report (FEMA 20-10), no questioned costs result.

The above condition was corrected through proposed audit adjustments.

Cause: The cause of the above condition is a lack of procedures in place to ensure proper matching in the underlying accounting records.

Effect: The effect of the above condition is noncompliance with federal matching requirements.

Recommendation: We recommend that the Department of Finance implement procedures to ensure that matching is accounted for at the correct cost share percentages.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative

Corrective Action: The PAO/CNMI agrees to the proposed plan of action to resolve the finding indicated. This project, Rota Early Warning System, was funded from a variety of sources. We will review proposed adjusting entry and record as recommended by the auditors.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Procurement and Suspension and Debarment - All Major Programs

Finding No. 2005-31

Criteria: Federal regulations state that all procurement transactions will be conducted in a manner providing full and open competition. Grantees and subgrantees will use their own procurement procedures, which reflect applicable state and local laws and regulations provided that the procurements conform to applicable federal law. Small purchase procedures are those relatively simple and informal procurement methods for securing service, supplies or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

Condition: The CNMI Procurement Regulations Section 3-105 states the following:

- Any procurement not exceeding the amount established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.
- Bidding is not required for procurement under \$2,500.
- Bidding is not required but is encouraged for procurement over \$2,500 and under \$10,000. The individual with the expenditure authority must obtain price quotations from at least three vendors and should base the selection on competitive price and quality for procurement valued at \$2,500 to \$10,000. Any price quotations must be written, documented and submitted to the Procurement and Supply Director for approval.
- Purchase orders may be utilized for small purchases subparagraphs (2) and (3).

It appears that the absence of competitive procurement for items less than \$2,500 does not conform to the federal requirement. Additionally, it does not appear that funding agencies approved such a threshold. As a result, the above requirement does not appear to conform to federal requirements.

Cause: The cause of the above condition is the lack of awareness and incorporation of federal regulations within the CNMI's Procurement Regulations.

Effect: The effect of the above condition is lack of full and open competition on federal funded purchases. No questioned costs result from this finding due to our inability to assess the dollar amount of items less than the threshold that may not have been subject to competitive procurement requirements.

Recommendation: We recommend that the CNMI review its current procurement regulations to ensure conformity with applicable federal laws.

Prior Year Status: The lack of awareness and incorporation of federal regulations within the CNMI's Procurement Regulations was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-31, Continued

Auditee Response and Corrective Action Plan:

Name of Contact Person: Herman Sablan, Director, Procurement and Supply

Corrective Action: We agree that the CNMI Procurement Regulations do not adequately define small purchase procedures for procurements under \$2,500. The intent of the procurement regulations is to define competitive procedures for all purchases but competitive procedures for items under \$2,500 are not specifically defined. We will amend the CNMI procurement regulations to specifically define the competitive procedures to be used for procurements under \$2,500. The Federal Acquisition Regulations (FAR) procedures for micro purchases appear to be a good model to use in developing our own regulations for these purchases.

We still question the statements within the finding about incorporating Federal regulations within our procurement regulations. Our understanding of the Common rule is that in general local procurement regulations apply unless there is a conflict with Federal laws or regulations.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Procurement and Suspension and Debarment - All Major Programs

Finding No. 2005-32

Criteria: In accordance with OMB Circular A-87, Attachment B, Section 43, costs incurred by employees and officers for travel, including costs of lodging, other subsistence and incidental expenses shall be considered reasonable and allowable only to the extent such costs do not exceed charges normally allowed by the governmental unit in its regular operations as the result of the governmental unit's written travel policy. In the absence of an acceptable, written governmental unit policy regarding travel costs, the rates and amounts established under Subchapter 1 of Chapter 57, Title 5, United States Code or by the Administrator of General Services or by the President (or his or her designee) pursuant to any provisions of such subchapter shall apply to travel under Federal awards (48 CFR 31.205-46(a)).

Condition: The CNMI procurement regulations do not include procurement procedures relating to travel expenses (i.e., airline tickets, accommodations, transportation, etc.). Currently, the CNMI's travel policies are based on directives and memorandums, which do not require competitive procurement.

Cause: The cause of the above condition is the lack of a written procurement policy concerning travel and related expenditures.

Effect: The effect of the above condition is noncompliance with federal regulations on federally funded travel and related expenditures.

Recommendation: We recommend that the CNMI adhere with federal travel regulations in the absence of a local procurement policy and/or incorporate procedures relating to the procurement of travel and related expenditures in local procurement regulations.

Prior Year Status: The lack of a written procurement policy on travel and related expenditures was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eloy S. Inos, Secretary of Finance

Corrective Action: Official CNMI Travel Regulations have been issued in FY2006.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of the Interior

Procurement and Suspension and Debarment - Economic, Social, and Political Development of the Territories

CFDA #15.875, Federal Award # Fiscal Year 1996 - 2002 Appropriations Act

Federal Award Period Available Until Expended

Finding No. 2005-33

Criteria: In accordance with Section 5-103 (2) of the CNMI Procurement Regulations, before adding significant new work to existing contracts, the agency shall thoroughly assess whether or not it would be more prudent to seek competition. Change orders on construction and A&E contracts, which exceed 25 percent of the cumulative contract price, shall automatically be procured through competitive procedures pursuant to Section 3-101, except when the procurement of the additional work is authorized without using full and open competition under Section 3-104.

Condition: During the year ended September 30, 2005, the CNMI executed change orders (CO) related to two contracts (contract #s 301-OS - CO #1 for \$49,888 and 324-OS - CO #2 for \$169,683) in which the amount of the change order exceeded 25 percent of the cumulative contract price. Although a justification was noted regarding the additional work to be performed, we did not note the justification for sole source procurement.

Cause: The cause of the above condition is the failure to justify sole source procurement.

Effect: The effect of the above condition is the lack of compliance with Section 5-103 (2) of the CNMI Procurement Regulation.

Recommendation: We recommend that the Division of Procurement and Supply review contract change orders to ensure justifications are properly documented, filed and maintained.

Prior Year Status: The lack of compliance with Section 5-103 (2) of the CNMI Procurement Regulation was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Herman Sablan, Director, Procurement and Supply

Corrective Action: We will review with appropriate personnel the requirements for sole source justification on change orders as well as original contracts. It is our standard practice to review construction and A&E change orders for compliance with 5-103(2). This may be a case of misplaced documents.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of the Interior

Procurement and Suspension and Debarment - Economic, Social, and Political Development of the Territories

CFDA #15.875, Federal Award # Fiscal Year 1993 and 1996 - 2002 Appropriations Act
Federal Award Period Available Until Expended

U.S. Department of Transportation

Procurement and Suspension and Debarment - Highway Planning and Construction
CFDA #20.205

Finding No. 2005-34

Criteria: The Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (the Common Rule) requires that grantee and subgrantee contracts must include, among others, provisions for: 1) termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement; 2) compliance with Equal Employment Opportunity; 3) compliance with the Copeland "Anti-Kickback" Act; 4) compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act; 5) compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act; and 6) federal access to contractor's records.

Condition: Of twenty-six contracts relating to expenditures of the Capital Improvement Projects:

- Seventeen (17) contracts (#s 123-OS, 201-OS, 239-OS, 268-OS, 270-OS, 272-OS, 273-OS, 282-OS, 306-OS, 309-OS, 311-OS, 319-OS, 325-OS, 336-OS, 337-OS, 358-OS and 415848-OC) did not contain provisions of compliance under Section 306 of the Clean Air Act. In addition, two contracts (#s 425333-OC and 437342) relating to a nonmajor program (Highway Planning and Construction) did not contain provisions of compliance under Section 306 of the Clean Air Act.
- Twenty-six (26) contracts (#s 123, 201, 239, 268, 270, 272, 273, 282, 284, 300, 301, 304, 305, 306, 309, 311, 319, 324, 325, 329, 341, 356, 358, 361, 415848 and 419095) did not contain provisions of federal access to contractor's records.

Cause: The cause of the above condition is the lack of awareness of Common Rule requirements.

Effect: The effect of the above condition is noncompliance with Common Rule contract provisions.

Recommendation: We recommend that the CNMI ensure that contracts funded by federal awards specify compliance with all applicable federal laws.

Prior Year Status: The lack of compliance with the Common Rule relating to contract provisions was reported as a finding in the Single Audits of the CNMI for fiscal years 2000 through 2004.

Auditee Response and Correction Action Plan:

Name of Contact Person: Herman Sablan, Director of Procurement & Supply

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-34, Continued

Auditee Response and Correction Action Plan, Continued:

Corrective Action: Paragraph 27 of contract general terms requires contractor to be familiar with and comply with all Federal laws and regulations that affect the conduct of the work. We are uncertain where in the Common Rule requirement is specified for ALL applicable federal laws to be individually listed.

Contract General Terms and Conditions have been updated to include specific reference to the Clean Air Act. While the Clean Air Act is not specifically cited in older contracts, paragraph 27 of contract general terms requires contractor to be familiar with and comply with all Federal laws and regulations that affect the conduct of the work.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of the Interior
Procurement and Suspension and Debarment - Economic, Social, and Political Development of the Territories
CFDA #15.875, Federal Award # Fiscal Year 1993 and 1996 - 2002 Appropriations Act
Federal Award Period Available Until Expended

Finding No. 2005-35

Criteria: In accordance with Section 3-108 "Expedited Purchasing in Special Circumstances" of the CNMI Procurement Regulations, when special circumstances require the expedited procurement of goods or services, the official with expenditure authority may request that the Property and Supply Director approve expedited procurement without the solicitation of bids or proposals. Additionally, paragraph 6 of Sec. 3-108 provides that the total amount of goods or service that may be approved under this section shall not exceed \$25,000.

Condition: During the year ended September 30, 2005, the CNMI entered into a contract (contract # 356-OS) using an expedited procurement method. We did not note any written determination documenting the use of expedited procurement.

Cause: The cause of the above condition is failure to comply with Section 3-108 of the CNMI Procurement Regulations.

Effect: The effect of the above condition is the lack of compliance with Section 3-108 of the CNMI Procurement Regulation.

Recommendation: We recommend that the CNMI ensure strict adherence to established Procurement Regulations.

Auditee Response and Correction Action Plan:

Name of Contact Person: Herman Sablan, Director of Procurement & Supply

Corrective Action: Contract 356-OS was expedited procurement under emergency regulations previously provided that allowed the Water Task Force and Homeland Security Office to do expedited procurements in any amount.

Proposed Completion Date: Already in compliance

Auditor Response: No questioned costs from the condition above result since based on the nature of the related services specified in the contract and approved by the P&S Director, the use of expedited procurement is in compliance with amended Section 3-108 of the CNMI procurement regulations. However, written justification to support the expedited procurement for the above specific contract was not made available.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of the Interior
Procurement and Suspension and Debarment - Economic, Social, and Political Development of the Territories
CFDA #15.875, Federal Award # Fiscal Year 1996 - 2002 Appropriations Act
Federal Award Period Available Until Expended

Finding No. 2005-36

Criteria: In accordance with Section 5-101 (2) (a)(ii) of the CNMI Procurement Regulations, advance payments shall only be authorized in certain circumstances as provided below:

- The official with expenditure authority demonstrates in writing that the common business practice of a particular industry requires buyers to pay on an advance payment basis. Such advance payment shall be limited to not more than 50 percent of the contract price. Pertinent documents supporting such business practice shall be attached to the written justification.

Condition: During the year ended September 30, 2005, the CNMI executed three contracts (contract #s 300-OS, 301-OS and 419095-OC), which provided for advance payment of more than 25% of the contract amount. Additionally, we did not note the presence of written justification that common business practice of the related industry requires buyers to pay on an advance payment basis.

Cause: The cause of the above condition is the failure to justify advance payments exceeding 25% of the contract amount.

Effect: The effect of the above condition is the lack of compliance with Section 5-101 (2) (a)(ii) of the CNMI Procurement Regulation and this condition results in an interest liability (refer to Finding No. 2005-6).

Recommendation: We recommend that the Division of Procurement and Supply ensure that advance payments in excess of twenty-five percent of the contract amount are properly justified and documented in writing.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Herman Sablan, Director of Procurement & Supply

Corrective Action: We agree that written justifications for advance payments were not available for the contracts cited. We will review with appropriate personnel the requirements for advance payments contracts. It is our standard practice to review contracts for compliance with 5-101(2)(a)(ii). This may be a case of misplaced documents.

Proposed Completion Date: FY2006

Auditor Response: Section 5-101(2)(a)(ii) provides for the following:

The official with expenditure authority demonstrates in writing that the common business practice of a particular industry requires buyers to pay on an advance basis. Such advance payment shall be limited to not more than 50 percent of the contract price. Pertinent documents supporting such business practice shall be attached to the written justification.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security
Procurement and Suspension and Debarment - Public Assistance Grants
CFDA #97.036, Federal Award #s 1532DRMPP00000001 and MP03PA1447
Federal Award Periods 07/29/04 through completion and 12/11/02 through completion

Finding No. 2005-37

Criteria: Federal regulations state that small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than the simplified threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

Condition: Of \$1,425,190 in expenditures tested, we noted the following:

- Services for contract 434293 OC were initially acquired through a verbal agreement between the Rota DPW Resident Director and the vendor due to the immediate need of services. Per review of contractor invoices, services were provided in May 2003 for which the contract was prepared and encumbered in February 2005. The total charged to the project (DR 1447 - PW#38 - Rota Municipality) is \$18,600. During the period, CNMI was non-compliant with local procurement regulations. However, costs were subsequently approved by the grantor, and as such, no questioned costs result.
- Quotations were not obtained for 217954 OV for \$2,099. Disbursement is for DR 1532 - PW#8.

Cause: The cause of the above condition is lack of policies and procedures in place within the requesting departments to ensure compliance with local and federal procurement regulations.

Effect: The effect of the above condition is noncompliance with established procurement regulations, unauthorized commitment to vendors. No question costs result from the condition above as grantor approval was subsequently obtained.

Recommendation: We recommend that the CNMI require that all departments establish policies and procedures consistent with procurement regulations to ensure that all commitments to vendors are obtained and processed through the Department of Procurement and Supply in a timely manner and that sole-sourcing is approved by the grantor or is adequately documented in accordance with CNMI Procurement Regulations.

Prior Year Status: The lack of compliance with federal procurement rules and regulations was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-37, Continued

Auditee Response and Corrective Action Plan, Continued:

Corrective Action: We agree that the contract noted was originally procured through verbal agreement due to the emergency nature of the typhoon cleanup work to be done. The contract was later ratified by the expenditure authority with guidance and assistance from Procurement and Supply so that payment could be authorized without contract documents being initially in place. FEMA originally denied reimbursement due to lack of compliance with procurement procedures. However, after FEMA visited Rota and saw the extent of the debris involved, funding for the removal was approved. Procurement procedures have been in place and all departments should be aware of them. Written procedures for procurement and administration of disaster grants were developed and implemented in FY2005.

Procurement was in accordance with Section 3-105 of the local procurement regulations which do not require quotations for purchases under \$2,500.

The Governor exercised his authority pursuant to Section 3-107 of the CNMI procurement regulations and Directive 240 to approve this contract. The project is complete and FEMA has done the final inspection on this project.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture
Reporting - Food Stamps
CFDA #10.551, Federal Award # 7NM4004NM
Federal Award Period 10/01/03- 09/30/05

Finding No. 2005-38

Criteria: The NAP MOU specifies that the CNMI shall prepare Financial Status Reports (SF-269) to reflect costs to the program as reflected in the CNMI accounting records.

Condition: Expenditures reported in the final SF-269 for the quarter ended September 30, 2005 differed from the CNMI accounting records in the following categories:

	<u>Per SF-269</u>	<u>Per General Ledger</u>	<u>Variance</u>
Category a- NAP Administration	\$ 941,374	\$ 907,119	\$ 34,255
Category b- Management Evaluation Unit	\$ 204,570	\$ 202,933	\$ 1,637
Category c- Retailer and Redemption Unit	\$ 195,456	\$ 172,912	\$ 22,544

Cause: The cause of the above condition is the subsequent transactions/adjustments made to the general ledger after report submission. Further, there is a lack of adherence to established procedures ensuring that supporting documentation is properly maintained.

Effect: The effect of the above condition is incorrect reporting of Federal program expenditures. However, the actual drawdowns agreed to the amounts reported as cash received in the general ledger.

Recommendation: We recommend that the CNMI ensure that required Financial Status Reports reflect actual transactions recorded in the general ledger and that all transactions are properly supported.

Prior Year Status: Subsequent transactions/adjustments made to the general ledger after submission of the reports to the grantor and the lack of adherence to established procedures ensuring that supporting documentation is properly maintained was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Correction Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director Finance & Accounting and Eleanor Cruz, NAP Administrator

Corrective Action: As noted in the finding, the SF-269 was prepared prior to certain adjustments being made to the G/L but drawdowns were made correctly based on the G/L amount. We will make every effort to insure required reports agree with the underlying accounting records.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of the Interior
Reporting - Economic, Social, and Political Development of the Territories
CFDA #15.875, Federal Award #(s) Fiscal Year 1995 - 2003 Appropriations Act
Federal Award Period Available Until Expended

Finding No. 2005-39

Criteria: Total outlays reported to the grantor should correspond to amounts reported per the general ledger and amounts submitted to the grantor agency.

Condition: Of thirty-seven nonpayroll expenditures of the Capital Projects Fund tested, eight business units did not reflect actual expenditures on the CIP Status Report submitted to the grantor agency.

<u>Business Unit</u>	<u>Drawdown Per CIP Status Report</u>	<u>Expenditure Per CIP Status Reports (Federal portion only)</u>	<u>Drawdown Variance</u>	<u>Amount Per CIP Status Reports (Total Federal and Local)</u>	<u>Amount Per General Ledger (Total Federal and Local)</u>	<u>General Ledger Variance</u>
4898	\$ 143,043	\$ 145,499	\$ (2,456)	\$ 145,499	\$ 167,376	\$ (21,877)
5181	\$ 742,485	\$ 472,163	\$ 270,322	\$ 954,186	\$ 967,465	\$ (13,279)

Cause: The cause of the above condition is the subsequent transactions/adjustments made to the general ledger after report submission. Further, there is a lack of adherence to established procedures ensuring that supporting documentation is properly maintained.

Effect: The effect of the above condition is the over/understatement of reported expenditures/drawdowns.

Recommendation: We recommend that federal financial reports reflect actual transactions recorded in the general ledger and that all transactions be properly supported.

Prior Year Status: The lack of updating the federal financial reports submitted to the grantor was reported as a finding in the Single Audits of the CNMI for fiscal years 2000 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, CIP Coordinator

Corrective Action: Differences occurred due to entries made after report prepared but back dated in the FMS and misposting of drawdowns and Federal/Local share. Correcting entries will be made where needed. In most cases, the differences correct themselves on a cumulative basis.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Labor
Reporting - WIA Cluster
Federal Award # EM-14471-05-60
Federal Award Period 10/01/04 - 11/30/05

Finding No. 2005-40

Criteria: Pursuant to the reporting requirements section of the National Emergency Grant (NEG) award, the following reports shall be submitted by the program:

- A. Monthly reports of grant activities to be submitted to the U.S. Department of Labor. This report should be submitted to the Grant Officer in writing every 5th working day after the end of each reporting period. This report should include the following data:
- Total participants enrolled to date;
 - Total participants currently in temporary jobs;
 - Significant changes in impact, as determined by the CNMI, not previously reported;
 - Type of services being provided by participants in temporary jobs;
 - Types of activities being performed;
 - Any significant event that occurred during the reporting period; and
 - Total expenditures to date and the number of monitoring visits.
- B. Close-out project report (final report) which shall be submitted within 45 days after the end of the project. A brief narrative outlining the highlights, problems encountered, and recommendations regarding the effectiveness of this type of approach and any changes to be considered should be included with the final report.

Condition: The required reports were not available for our review.

Cause: The cause of the above condition is the lack of file maintenance.

Effect: The effect of the above condition is possible noncompliance with the criteria.

Recommendation: We recommend all NEG files be properly filed and maintained.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Edith Deleon Guerrero, Director, Workforce Investment Agency

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-40, Continued

Auditee Response and Corrective Action Plan, Continued:

Corrective Action: This grant was selected for detail testing after the final draft audit report had been approved by CNMI. The records for this grant had been boxed up and put in storage, which has led to documentation not being readily available for the auditors. In addition, staff turnover at the Workforce Investment Agency has resulted in the current staff being unfamiliar with this grant. Locating the missing documentation will be a time consuming task. Due to the high priority given to issuing this audit report on a timely basis we agree to include the finding in the audit and will continue efforts to locate missing documents.

Proposed Completion Date: FY2007

Auditor Response: The Workforce Investment Agency allowed us to review the documents of the NEG program stored at the Division of Procurement & Supply. We went through the boxes of documents and were not successful in locating the reports. The entity's inability to locate related documents, however, does not explain the noncompliance with the program requirements.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Environmental Protection Agency
Reporting - Environmental Protection Consolidated Grants-Program Support
CFDA #66.600, Federal Award # M-009156-04
Federal Award Period 10/01/03 - 09/30/08

Finding No. 2005-41

Criteria: 40 CFR Section 31.4 requires grantees to submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. Annual reports shall be due ninety days after the grant year, quarterly or semi-annual reports shall be due thirty days after the reporting period. In addition, a financial status report (SF-269) is required within ninety days of the end of the budget period. Further, total outlays reported to the grantor should correspond to amounts recorded on the general ledger.

Condition: Based on our review of program reporting requirements, we noted the following exception:

- The SF-269 for the quarter ended September 30, 2005 reported total expenditures that were \$40, 669 more than the total expenditures recorded in the general ledger.

Cause: The cause of the above condition is that the amounts reflected on the SF-269 for the fiscal year ended September 30, 2005 did not reflect total expenditures at that date. Further, the SF-269 was not updated to exclude fiscal year 2004 expenditures erroneously included in fiscal year 2005.

Effect: The effect of the above condition is the lack of compliance with grant reporting requirements.

Recommendation: We recommend that the Department of Finance ensure that all grant reporting requirements are strictly adhered to.

Prior Year Status: The lack of compliance with the reporting requirements of the grant was reported as a finding in the Single Audits of the CNMI for fiscal years 2003 and 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director Finance & Accounting and Frank M. Rabauliman, Director, DEQ

Corrective Action: We will make every effort to insure required reports agree with the underlying accounting records. The differences noted on the reports relate to adjustments posted after the reports were prepared and failure to adjust FY03 expenditures recorded in FY04. DEQ is part of a pilot program in FY2006 to have the grantee agencies prepare the grant financial reports with final review by the Department of Finance.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Reporting - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-42

Criteria: Section 4.4 of the CNMI's Revised Medicaid Operational Plan requires that the Medicaid Agency submit all required reports within stated deadlines. In addition, these reports shall be prepared on an accrual basis, based on financial records maintained by the centralized accounting office (Department of Finance) of the CNMI Government.

Condition: Based on total expenditures reported to the grantor during the year using the CMS 64 Certification, total federal expenditures amounted to \$2,437,965. The actual expenditures per the general ledger amounted to \$2,212,016 resulting in a variance of \$225,948. The funds drawn down, however, correspond with expenditures recorded in the general ledger. Therefore, no questioned costs result from this condition.

Cause: The cause of the above condition is due to adjustments made subsequent to the submission of the CMS 64.

Effect: The effect of the above condition is noncompliance with Section 4.4 of the Medicaid Operational Plan.

Recommendation: We recommend that steps be taken to ensure that information reported to the grantor is based on underlying financial records.

Prior Year Status: Noncompliance with Section 4.4 of the Medicaid Operational Plan was reported as a finding in the Single Audits of the CNMI for fiscal years 2002 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Bernadita C. Palacios, Acting Director Finance & Accounting and Helen C. Sablan, Medicaid Administrator

Corrective Action: The difference noted between the CMS-64 report and G/L relate to adjustments posted subsequent to the report being prepared and inclusion of local expenditures in excess of the cap. As noted by the auditors, funds drawn down were based on the correct G/L amount. We will review procedures used in preparing the CMS-64 report and insure report agrees to the G/L.

Proposed Completion Date: FY2006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security

Reporting - Public Assistance Grants

CFDA #97.036, Federal Award #s 1541DRMPP00000001, 1532DRMPP00000001, MP03PA1447 and MP02PA1430

Federal Award Periods 08/26/04 through completion, 07/29/04 through completion, 12/11/02 through completion and 08/06/02 through completion

Finding No. 2005-43

Criteria: Per 44 CFR 13.20 (b)(4), actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. Grantee should maintain a system that accounts for funds on a project-by-project basis.

Condition: The CNMI does not account for FEMA funds on a project-by-project basis within the general ledger as expenditures incurred for one department's or subrecipient's projects (may be more than one) are posted to one cost center. Public Assistance Office manually accounts for expenditures on a project-by-project basis on the Project Status Reports prepared on a quarterly basis. Of four disasters tested, we noted the following:

- Variances between cumulative expenditures per the quarter ended 09/30/05 FEMA 20-10 (which reflects federal expenditures per the general ledger) and Project Status reports were noted for the following:

<u>Disaster</u>	<u>DR #</u>	<u>Variance</u>
Chaba	DR 1541	\$ (18,806)
Tingting	DR 1532	\$ (13,204)
Pongsona	DR 1447	\$ 39,554
Chata'an	DR 1430	\$ (26,311)

- Variances between total cash drawn from grantor for the year ended 9/30/05 and Project Status Reports were noted for the following:

<u>Disaster</u>	<u>DR #</u>	<u>Variance</u>
Chaba	DR 1541	\$ 731,739
Tingting	DR 1532	\$ 588,797
Pongsona	DR 1447	\$ (54,800)
Chata'an	DR 1430	\$ 305,697

Cause: The cause of the above condition is lack of reconciliation performed between the Public Assistance Office (which is responsible for making payment requests and indicating which cost centers are to be charged) and the Department of Finance - Federal Grants Division (which is responsible for posting expenditures and preparing Federal financial reports).

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-43, Continued

Effect: The effect of the above condition is the possibility of unallowable costs. As cash draw downs are not accounted for on a project-by-project basis, the effect is also the possibility of noncompliance with cash management requirements.

Recommendation: We recommend that the Department of Finance implement procedures to ensure that reconciliations are performed to ensure proper financial management of federal funds.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative and Bernadita C. Palacios, Acting Director Finance & Accounting

Corrective Action: We agree with the finding. The reporting errors occurred due to inconsistency in the accounts used to record the local matching share. However, as noted in the finding, drawdowns were done using the correct amounts.

We plan to consolidate both the Federal and local portion of FEMA expenditures in one account in the future to address confusion over what accounts to report for total expenditures. In addition, responsibility for preparation of the FEMA 20-10 report will be transferred to the Public Assistance Office.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture
Special Tests and Provisions - Food Stamps
CFDA #10.551, Federal Award # 7NM4004NM
Federal Award Period 10/01/04- 09/30/05

Finding No. 2005-44

Criteria: Title X, Section J (3) of the NAP Manual of Operations specifies that on a quarterly basis, a Retail and Redemption Unit Personnel shall conduct visits to “high redeemers” to investigate the nature of such high redemption rates.

Condition: Compliance visits were not performed during the last two quarters of the fiscal year ended September 30, 2005.

Cause: The cause of the above condition is represented to stem from inadequate manpower at the Retailer & Redemption Unit.

Effect: The effect of the above condition is noncompliance with the specific requirements of the MOU and the Manual of Operations.

Recommendation: We recommend that the CNMI ensure that NAP Authorized Retailers are in compliance with all eligibility requirements. If certain requirements may not be met, the grantor agency should be consulted.

Prior Year Status: Noncompliance with the specific requirements of the MOU and Manual of Operations was reported as a finding in the Single Audits of the CNMI for fiscal years 2001 through 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eleanor Cruz, NAP Administrator

Corrective Action: We agree that the “high redeemers” on site visits were not performed for two quarters in FY2005. The R&R unit has had only two FTE’s assigned to it since 1982 despite the significant changes and increase in participation over the years. The R&R unit also assisted in the disaster coupon issuance and reconciliation operation in addition to their regular duties. An additional FTE for the unit has been requested in the proposed budget for FY2007.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Special Tests and Provisions - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

U.S. Department of Agriculture
Special Tests and Provisions - Food Stamps
CFDA #10.551, Federal Award # 7NM4004NM
Federal Award Period 10/01/04- 09/30/05

Finding No. 2005-45

Criteria: Policies and procedures should be established for systems security and offsite storage of backup files for the Automated Data Processing (ADP) system.

Condition: Our review of the ADP system at the Medicaid Office indicated that daily backups have recently been implemented. However, only a single backup is performed, which is retained in an unsecured area at the Medicaid Office. A second backup is not being performed on a periodic basis (e.g., monthly or quarterly). In addition, there are no passwords to provide security to electronic files (such as accounting records and the eligibility database) to control or monitor access.

During our review of the ADP system at the Nutrition Assistance Program, we noted that backups of the system are performed weekly and disks are stored in an office safe. A second backup, however, is not being performed on a periodic basis (e.g., monthly or quarterly), which should be maintained at a secured external facility.

Cause: The cause of the above condition is the lack of required policies and procedures regarding ADP.

Effect: The effect of the above condition is the potential loss of data.

Recommendation: We recommend that policies and procedures be established for system security, which would address and reduce risks involved with the ADP system.

Prior Year Status: Lack of required policies and procedures regarding ADP was reported as a finding in the Single Audits of the CNMI for fiscal years 2003 and 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen C. Sablan, Medicaid Administrator and Eleanor Cruz, NAP Administrator

Corrective Action:

Medicaid: We agree with the finding. The Medicaid Office recently purchased new computers that provide a user security function. See compliance finding 2005-15 corrective action plan. User security was not available on the old system. In conjunction with the installation of the new computers, backup and security procedures were revised and a second monthly backup is stored at the EDP Office.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-45, Continued

Auditee Response and Corrective Action Plan, Continued:

Corrective Action, Continued:

NAP: We agree with the finding although NAP is performing a monthly backup. NAP is working with the Department of Finance to begin storing a monthly backup at the EDP Office. We expect this procedure to be in place by August 2006.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture
Special Tests and Provisions - Food Stamps
CFDA #10.551, Federal Award # 7NM4004NM
Federal Award Period 10/01/04- 09/30/05

Finding No. 2005-46

Criteria: The NAP Memorandum of Understanding Section 22 specifies that the CNMI shall be responsible for the security, accountability, control and destruction, upon redemption of all NAP coupons.

Condition: Destruction of unusable disaster coupons, amounting to \$1,074,953, was not performed. Further, destruction of redeemed coupons was last performed in March 2005.

Cause: The cause of the above condition is lack of resources to perform such requirement.

Effect: The effect of the above condition is noncompliance with the Section 22 of the MOU.

Recommendation: We recommend that the CNMI comply with the requirements of the MOU.

Prior Year Status: Noncompliance with the Section 22 of the MOU was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Eleanor Cruz, NAP Administrator

Corrective Action: We agree with the finding. We are currently processing destruction of redeemed coupons and expect to be caught up by the end of FY2006. Disaster coupons were still valid until December 31, 2005 so they were not destroyed during the audit period.

Proposed Completion Date: FY2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Homeland Security

Subrecipient Monitoring - Public Assistance Grants

CFDA #97.036, Federal Award #s MP03PA1447, MP02PA1430, MR11924160, MR11944160, 1532DRMPP00000001 and 1541DRMPP00000001, Federal Award Periods 12/11/02 through completion, 08/06/02 through completion, 12/08/97 through completion, 12/24/97 through completion, 07/29/04 through completion and 08/26/04 through completion

Finding No. 2005-47

Criteria: As part of monitoring activities, a pass-through entity is required to:

- a. Ensure that subrecipients expending \$500,000 for fiscal years ending after December 31, 2003 or more in Federal awards during the subrecipient's fiscal year have met the audit requirements of OMB Circular A-133 and that the required audits are completed within 9 months of the end of the subrecipient's audit period;
- b. Issue a management decision on audit findings within 6 months after receipt of the subrecipient's audit report;
- c. Ensure that the subrecipient takes timely and appropriate corrective action on all audit findings. In cases of continued inability or unwillingness of a subrecipient to have the required audits, the pass-through entity shall take appropriate action using sanctions.

Condition: The Public Assistance Office is not aware of which subrecipients are required to have Single Audits performed, could not furnish copies of the audit reports, provided no documentation regarding the status of any on-going audits required, and no reconciliation with subrecipient records was performed.

Of \$1,823,812 in subrecipient expenditures incurred during the year, we noted the following:

- Variances were found between CNMI and subrecipient records for the following:

<u>Subrecipient</u>	<u>Per CNMI</u>	<u>Amount per Subrecipient</u>	<u>Variance</u>
CPA	\$ 244,210	\$ 191,411	\$ (52,799)

- We were unable to determine if the total program expenditures were included in the following subrecipient schedules of expenditures of federal awards:

<u>Subrecipient</u>	<u>Amount per CNMI</u>
MVA	\$ 77,905
NMC	44,237
PSS	548,900
CUC	726,630
NMHC	<u>30,545</u>
Total	\$ <u>1,428,217</u>

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Finding No. 2005-47, Continued

Cause: The cause of the above condition is lack of policies and procedures to ensure that subrecipients are in compliance with the criteria.

Effect: The effect of the above condition is noncompliance with subrecipient monitoring requirements. No questioned costs result from this finding as the above would not necessitate Single Audits or such may represent timing differences.

Recommendation: We recommend that the Public Assistance Office implement procedures to ensure that subrecipients meet the necessary audit and reconciliation requirements and that required monitoring of the above occur and be documented.

Prior Year Status: The lack of compliance with federal subrecipient monitoring rules and regulations was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Virginia Villagomez, Governor's Authorized Representative

Corrective Action: The disaster grant procedures developed in FY2005 require GAR review of subgrantee audits. Applicants are informed during their briefing of the program requirements including the audit. All of the entities listed are CNMI autonomous agencies and are required to have annual Single Audits. Audit monitoring is done through the Office of the Public Auditor (OPA) and copies of audits are available there. The OPA maintains an audit finding tracking system and follows up with the agencies regarding audit findings. The Public Assistance Office receives copies when there are questioned costs for FEMA related assistance.

In regard to the variance noted for CPA we noted that specific CNMI project records were being compared to this agency's audits. Other FEMA and Federal grant payments were disbursed to CPA during the period in question. Since the same audit firm performed both audits it appears they are not consistent in how their Schedule of Federal Awards is prepared. In addition, the reference to total program expenditures in the finding may explain the differences as only the FEMA approved payment is recorded on CNMI's records. The receiving agency is responsible for the local matching share and any excess costs.

Proposed Completion Date: FY2006

Auditor Response:

The Public Assistance Office (PAO), on behalf of the CNMI Government, is the grant recipient and is therefore the party responsible for monitoring the activities of subgrantees. Should the Office of the Public Auditor perform a follow-up of findings, it would be with PAO for not complying with the subrecipient monitoring activities. The lack of explanation for the variance with CPA is an indication that there is no communication between PAO and CPA. We are aware that the CNMI records only FEMA approved expenditures. Therefore, a simple explanation of the variance such as a pending FEMA approval/review or timing difference would have sufficed. No such explanation, however, was available from PAO. Further, it is not CPA's responsibility as a subrecipient to reconcile with the CNMI's records.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Health and Human Services
Special Tests and Provisions - Medical Assistance Program
CFDA #93.778, Federal Award # 05-0405CQ5028
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-48

Criteria: In accordance with Section 4.7 of the Medicaid Operational Plan, Medicaid must maintain agreements with all providers in the CNMI and Guam who furnish reimbursable services.

Condition: The Service Provider Agreement for the CNMI Public Health Clinic covered the period from January 1, 2004 to January 1, 2005. Also, the agreement did not include the entity's medical staff or the expiration of related medical licenses. In addition, the Service Provider Agreement for Health Care Specialties covered the period April 1, 2004 to April 1, 2005. Medicaid was not able to provide the approved agreements after the covered periods.

Cause: The cause of the above condition is the lack proper file maintenance.

Effect: The effect of the above condition is that expenditures may be unallowable. However, no questioned costs resulted from this condition since the total expenditures not covered by the service agreement is less than \$10,000.

Recommendation: We recommend that the Medicaid office ensure all service provider agreements are kept current, are filed and are properly maintained.

Prior Year Status: The lack of proper file maintenance was reported as a finding in the Single Audit of the CNMI for fiscal year 2004.

Auditee Response and Corrective Action Plan:

Name of Contact Person: Helen C. Sablan, Medicaid Administrator

Corrective Action: A provider agreement has been sent to the CNMI Public Health Clinic but has not been returned as yet. Since no Medicaid reimbursements are made to the Public Health Clinic, this does not affect expenditures. Expenditures related to provision of anti hemophiliac medications are made under a provider agreement with the Commonwealth Health Center which was in place for the audit period. The provider agreement for Health Care Specialties was signed by the provider and Medicaid but has not been returned from the attorney General's Office.

Proposed Completion Date: FY2006

Commonwealth Development Authority

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2005
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent : 10/3/06 (CDA) (NMHC), 11/7/06 (Deloitte re: NMHC response), 2/6/07 (CDA) (NMHC), 5/22/07 (Deloitte re: NMHC response)

Date(s) of response letter(s) received : 10/12/06 (NMHC), 3/6/07 (NMHC)

See pages 158 to 160 for recommendations issued by the Independent Auditor and page 164 for CDA's Corrective Action Plans to Questioned Costs and Findings. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

COMMONWEALTH DEVELOPMENT AUTHORITY

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Section II - Financial Statement Findings

Receivables

Finding No. 2005-1

Criteria: An effective system of internal control includes procedures to ensure that loan payments are received on a timely basis.

Condition: Our audit included an analysis of the Development Corporation Division's past due loans to determine the propriety of the allowance for doubtful loans as of September 30, 2005. This analysis revealed that as of September 30, 2005, one hundred seventy-two loans (85% of the two hundred three total loans outstanding) were six months or more in arrears. At September 30, 2004, one hundred thirty-two loans (61% of the two hundred fifteen total loans outstanding) were six months or more in arrears. Accrued interest on loans has also increased from \$11,225,283 at September 30, 2004 to \$13,140,752 as of September 30, 2005. As such, the collateral for these loans is decreasing as a percentage of the total loan and interest portfolio.

Cause: The cause of the above condition is the increase in past due loans.

Effect: The effect of the above condition is an increased possibility of loan losses due to non-payment by borrowers.

Recommendation: We recommend that follow-up procedures on past due loans be adhered to. We recommend that evaluations be performed on these loans and a corrective plan be developed and documented. Future results may be compared against this plan and actions taken by management as deemed necessary. Legal action should be considered for those loans which are considered unlikely to be serviceable by the borrower.

Prior Year Status: Past due loans was reported as a finding in the Single Audits of CDA for fiscal years 1994 through 2004.

COMMONWEALTH DEVELOPMENT AUTHORITY

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Housing and Urban Development
Reporting - HOME Investment Partnerships Program
CFDA #14.239, Federal Award # M(04 to 05)-ST-69-0001
Federal Award Period October 1, 2004-2005 to September 30, 2009-2010

Finding No. 2005-2

Criteria: HUD requires that HOME expenditures be reported on SF-272, Federal Cash Transactions Report.

Condition: NMHC draws funds for use in HOME expenditures and reports these expenditures on the SF-272. We noted that funds drawn in the current year include administrative expenditures incurred in prior years amounting to \$103,650. Additionally, NMHC has not requested for drawdowns for administrative costs incurred in the current year. Administrative costs are included under operating expenses and cannot be readily identified from other federal grant administrative expenses.

Cause: The cause of the above condition is the timing of filing for administrative expenditure.

Effect: The effect of the above condition is variances between expenditures reported on the SF-272 and the general ledger.

Recommendation: We recommend that management ensure proper reporting of expenditures on SF-272's to HUD. We also recommend that management separately account for and monitor administrative costs incurred per specific grant programs.

Prior Year Status: Lack of timeliness of filing of administrative expenditures on the SF-272 was reported as a finding in the Single Audit of CDA for fiscal year 2004.

Corrective Action Plans to Questioned Costs and Findings included in the Independent Auditors' Report on Internal Control and Compliance for the Year Ended September 30, 2005

Financial Statements Findings

Receivables

Finding No. 2005-1

The Loan Department continues to do its Loan Servicing. Clients have been contacted to come to the Office and try to establish workable solutions to bring their accounts to current. Aging letters of 30, 60, 90-days delinquency and loan statements are mailed to clients on a monthly basis. Field visits are conducted so that a better communication system may be established with the clients and to have better understanding of their business situation and financial conditions. Intern services from the Pacific Business Center Program of the University of Hawaii, as well as the Northern Marianas College Small Business Development Center (SBDC) are maximized by conducting educational assistances, trainings, and workshops, and working on a one on one basis with our clients. We have also instituted a workshop program focused on clients' needs using peculiarly CDA's own resources and incentive programs. The goal is to improve CDA's overall loan portfolio by acting on delinquent clients. After all means have been exhausted, accounts that are 120 days in arrears are referred to the legal counsel for litigation. There are still many more loans over 120 days delinquent and have not been referred to legal counsel. Some of these loans are workable and only lack actions from either borrower or from CDA. However, as stated above if all efforts fail to work loan out litigation will follow. But again, even if a loan is still in litigation CDA and borrower can still explore avenues to move account out of litigation and back to the performing loan category.

Improving CDA-Client relationships and reducing the delinquency rate continue to be difficult objectives. Consistent communications and understanding of clients' business conditions via regular mailings of monthly statements, visits, and workshops are efforts to improve CDA-client relationships. The institution and implementation of various CDA initiated programs which include Deed in Lieu of Foreclosure options, waivers of interests and late charges and or deferred monthly payments during times of disasters, interest rate reductions, and others are tools aimed at reducing the delinquency rate. In addition, aggressive collection efforts, which may or may not include litigations, are enforced.

All accounts are carefully scrutinized and analyzed in how best the clients can be assisted to either make their accounts current or to improve their existing business conditions.

In addition to the above response for 2004 and 2005, it should be noted that the CDA Board of Directors has adopted new regulations for the loan program. The new regulations became effective September 2005. It allows for the extension of terms to 30 years amortization with a 5-year callable provision and reduced interests rates. We are actively calling in clients to avail of the reduced interest rates regardless whether borrowers are current or delinquent. Loan revisions are done where and when warranted, but not after all efforts to collect have been exerted and borrower shows willingness and promise.

Federal Award Findings and Questioned Costs

Reporting

Finding No. 2005-2

NMHC management ensures proper reporting of expenditures on SF-272s to HUD. NMHC did reconcile expenditures versus revenues prior to reporting to HUD and implemented administrative cost per specific grant programs based on the percentage allocation. The effect of the above condition is going to be the same every year, as such program year grant is received every end of the year but the fiscal year begins the following year. This refers to SF-272 for program year and general ledger for fiscal year.

Commonwealth Ports Authority

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2005
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent : 2/14/07

Date(s) of response letter(s) received :

See pages 162 and 163 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditor's Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

COMMONWEALTH PORTS AUTHORITY

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Section III - Federal Award Findings and Questioned Costs

U.S. Department of Transportation
Allowable Costs/Cost Principles - Airport Improvement Program
CFDA #20.106
Federal Award Period Available Until Expended

Finding No. 2005-1

Criteria: Administrative costs charged to projects and recorded in the general ledger should be properly supported.

Condition: CPA recorded administrative costs related to ongoing/completed projects amounting to \$1,201,107. Of the total amount, approximately \$706,960 were not adequately supported as follows:

<u>AIP/Award No.</u>	<u>Questioned Costs</u>
3-69-0002-31/32/50/53	\$ 135,819
3-69-0002-33/39/46	24,920
3-69-0002-35	8,803
3-69-0002-37	27,000
3-69-0002-38/41	91,455
3-69-0002-42/47	50,251
3-69-0002-43	36,457
3-69-0002-44	12,614
3-69-0002-45	28,710
3-69-0002-48	32,625
3-69-0002-49	28,500
3-69-0002-51	11,209
3-69-0002-52	4,750
3-69-0002-54	4,750
3-69-0004-01	2,850
3-69-0003-13	17,500
3-69-0003-14	11,247
3-69-0003-15/18	27,384
3-69-0003-16	9,993
3-69-0003-17	2,500
3-69-0003-19	11,907
3-69-0011-10/15	71,937
3-69-0011-14	2,500
3-69-0011-16	28,500
3-69-0011-17	18,029
3-69-0011-18	4,750
	<u>\$ 706,960</u>

Cause: The cause of the above condition is due to percentage estimates being used to calculate administrative costs and the lack of support at the time expenditures were reported to the grantor.

Effect: The effect of the above condition is the possible unallowed expenditures. No questioned costs result from the condition, however, as CPA obtained subsequent approval of their calculations from the grantor.

Recommendation: We recommend CPA ensure administrative costs are properly supported and percentage estimates, if any, be adequately substantiated.



COMMONWEALTH PORTS AUTHORITY

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Corrective Action Plans to Findings and Questioned Costs included in the Independent Auditors' Report on Internal Control and Compliance for the Year Ended September 30, 2005

Federal Award Findings and Questioned Costs

Allowable Costs/Cost Principles Finding No. 2005-1

Administrative costs are properly supported and percentage estimates are adequately substantiated in the form of an Administrative Expense Report summary document with the appropriate supporting documents in file at the time the grant funds are processed.

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Commonwealth Utilities Corporation

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2004
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent :

Date(s) of response letter(s) received :

See pages 166 to 227 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Section II - Financial Statement Findings

Revenue/Receipts

Finding No. 2004-1

Criteria: All recorded revenues and receivables should reflect collectible balances.

Condition: Investigation of long outstanding accounts revealed a listing of twenty-one accounts amounting to \$891,264 prepared by the credit and collections division of accounts that were not to be disconnected. Although these accounts are fully provided for, the explanation given for the lack of disconnection of these accounts was that these customers had CUC wells, poles, pumps, etc., on their property, and were therefore not billed for utility usage.

Cause: The cause of the above condition is the lack of formal agreements with landowners.

Effect: The effect of the above condition is the potential uncollectibility of accounts receivable and understatement of rental expense. Additionally, there could be inequalities in the consideration paid for certain parcels depending on the value of utilities used.

Recommendation: We recommend that CUC execute formal agreements with all landowners for the use of land.

Prior Year Status: Lack of formal agreements with landowners for the use of land was reported as a finding in the audits of CUC for fiscal years 1996 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Purchases/Disbursements

Finding No. 2004-2

Criteria: Proper internal control requires the receipt of purchases at a central location with goods subsequently dispatched to the requesting division.

Condition: Purchased goods can be received by the requesting, purchasing and/or warehouse divisions.

Cause: The cause of the above condition is the lack of established policies and procedures regarding the receipt of purchases.

Effect: The effect of the above condition is the possibility of purchases not being properly recorded in the subsidiary ledger and/or general ledger. As a result, misstatements are likely to occur in inventory, payables and expenses.

Recommendation: We recommend that CUC's management establish policies and procedures to centralize receiving of all purchases and properly monitor assets, liabilities and expenses.

Prior Year Status: Lack of established policies and procedures regarding the receipt of purchases was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Purchases/Disbursements

Finding No. 2004-3

Criteria: Capital expenditures should be recorded in the period incurred.

Condition: Of \$2,940,669 in construction in progress expenditures tested, we noted that expenditures incurred in prior fiscal years were recorded in the current year for the following:

<u>Contract</u>	<u>Invoice #/ Payment Request #</u>	<u>Amount</u>
214 OS	7	\$ 17,322
265 OS	1	\$ 3,330
174 OS	10	\$ 3,825

The amounts, however, were not material to warrant audit adjustments.

Cause: The cause of the above condition is the lack of reconciliations of capital expenditures with the CNMI Government Capital Improvement Projects Coordinator.

Effect: The effect of the above condition is the overstatement of current year capital expenditures.

Recommendation: We recommend that CUC ensure capital expenditures are recognized in the proper period and that disbursements are properly certified and supported.

Prior Year Status: Lack of reconciliation of capital expenditures with the CNMI Government Capital Improvement Projects Coordinator was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Purchases/Disbursements

Finding No. 2004-4

Criteria: Capital expenditures should be recorded in a timely manner.

Condition: Current year construction in progress expenditures were not recorded for the following:

<u>Contract</u>	<u>Invoice #/ Payment Request #</u>	<u>Amount</u>
265 OS	5, 6, 7, 8, 9	\$ 18,500
144 OS	9	\$ 160,293
408995	Dated 10/03/03	\$ 75,000
412085 OM	Dated 01/13/04	\$ 4,147,200

The amounts were corrected through proposed audit adjustments.

Cause: The cause of the above condition is the lack of procedures in place to ensure that payment requests made to the CNMI Government are forwarded on a timely basis to the CUC accounting department for recording.

Effect: The effect of the above condition is the understatement of current year capital expenditures and unrecorded liabilities.

Recommendation: We recommend that CUC ensure all payment requests made by the Grants Department are reviewed and forwarded to the Accounting Department in a timely manner to ensure capital expenditures are properly recorded.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Payroll

Finding No. 2004-5

Criteria: Changes to employee timesheets should be authorized and personnel independent of the payroll process should perform the input of employee pay rates.

Condition: During our testing of payroll expenses, we noted the following:

- Division timekeepers are allowed to make changes on the timesheet edit reports; and
- The payroll department inputs the approved pay rate into the system.

Cause: The cause of the above condition is the lack of established policies and procedures over timesheet changes and proper segregation of duties of payroll processing.

Effect: The effect of the above condition is the potential for division timekeepers to alter hours in the system subsequent to finalizing the timesheet edit report, and the potential for payroll personnel to alter pay rates.

Recommendation: We recommend that management review the payroll process to ensure all changes to the timesheet edit report are authorized. In addition, we recommend all input of pay rates be performed by the Human Resources Department.

Prior Year Status: Lack of established policies and procedures over timesheet changes and proper segregation of duties of payroll processing was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Payroll

Finding No. 2004-6

Criteria: Payroll timesheet/timecard reports, overtime and leave authorizations should be signed by the employee and approved by the respective division manager. Non-emergency overtime is required to be pre-approved by a supervisor seventy-two hours in advance. Additionally, all allotments should be approved by the employee and be maintained in the employee personnel file.

Condition: Of fifty-four payroll disbursements tested, the following exceptions were noted:

- Although timesheets were properly approved, the timecard reports did not have evidence of the employee's signature for the following:

<u>Pay Period Ended</u>	<u>Employee No.</u>	<u>Pay Period Ended</u>	<u>Employee No.</u>
12/27/2003	9960	12/11/2003	4121
03/20/2004	5249	09/04/2004	35
10/18/2003	7022	08/21/2004	402
07/10/2004	10079	01/09/2004	275
07/24/2004	104	03/05/2004	10024
03/20/2004	9933	11/28/2003	4607

- The overtime requests and authorization for the following employees were approved after the job was completed:

<u>Pay Period Ended</u>	<u>Employee No.</u>	<u>Pay Period Ended</u>	<u>Employee No.</u>
03/06/2004	28	07/24/2004	104
03/20/2004	5249	11/15/2003	10082
05/15/2004	7353	02/07/2004	3892
02/21/2004	10097	11/15/2003	6504
03/06/2004	10055	11/29/2003	136
09/04/2004	35	06/12/2004	10108
04/16/2004	1880	04/15/2004	64

- Twenty-four items indicated employee withholding authorizations do not correspond to deductions from gross pay and amounts recorded in the payroll register. In some cases, authorization allowing vendor deductions could not be located and/or no authorization could be found discontinuing vendor deduction from gross pay. We also observed that different withholding forms are used when initiating or discontinuing allotments.

Cause: The cause of the above condition is the lack of adherence to established policies and procedures relating to the review and authorization of payroll related documents.

Effect: The effect of the above conditions is the possible unauthorized payment of and deduction from employee pay. In addition, employees may incur unauthorized overtime.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-6, Continued

Recommendation: We recommend that CUC ensure that all payroll timesheet/timecard reports, overtime and leave authorizations are properly reviewed and approved by division managers. We also recommend that CUC ensure all payroll deductions are properly supported by employee authorizations maintained in employee personnel files.

Prior Year Status: Lack of adherence to established policies and procedures relating to the review and authorization of payroll related documents was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Payroll

Finding No. 2004-7

Criteria: Payroll calculations should be reviewed for accuracy and completeness prior to processing of payroll checks. Additionally, the system should be updated on a timely manner for any changes to pay rates of employees.

Condition: Of fifty-four payroll disbursements tested, we noted overpayments made for the following items:

<u>Check #/DD</u>	<u>Pay Period Ended</u>	<u>Employee No.</u>	<u>Overpayment</u>
116314	08/13/2004	47	\$ 105
116318	08/13/2004	649	\$ 185
116319	08/13/2004	675	\$ 152
166400	08/13/2004	4054	\$ 120
114900	04/17/2004	10021	\$ 33
116330	08/13/2004	5200	\$ 109
116955	09/17/2004	5915	\$ 37
DD	02/21/2004	10097	\$ 7

An analysis prepared by CUC showed a total overpayment of \$9,728 related to pay period ended August 13, 2004. CUC did not seek reimbursement and/or adjust subsequent payroll for amounts overpaid to employees.

Cause: The cause of the above condition is system error, lack of timely updating of payroll rates, lack of oversight by payroll personnel, lack of review of payroll reports and erroneous calculations of salary increases.

Effect: The effect of the above condition is the misstatement of payroll expenses and overpayment of payroll.

Recommendation: We recommend that CUC ensure review of payroll calculations is performed on a timely basis. Additionally, we recommend that CUC ensure the payroll system is correctly updated for changes to employee pay rates.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

External Financial Reporting

Finding No. 2004-8

Criteria: Without an adequate system to record receivable or payable balances from or to the grantor agency, an entity cannot accurately report on the use of funding.

Condition: CUC is not reconciling receivable or payable balances with the grantor agency on a timely basis. At September 30, 2004, CUC's Schedule of Expenditures of Federal Awards (SEFA) contains adjustments amounting to \$31,698 with no support. Additionally, we noted that subsequent to the resignation of CUC's former Chief Accountant, no specific CUC personnel was designated to monitor transactions affecting the SEFA.

Cause: The cause of the above condition is that management has not implemented an adequate system of reconciling receivable or payable balances and monitoring related transactions.

Effect: The effect of the above condition is that amounts due from or to the grantor agency and capital contributions accounts are misstated throughout the year.

Recommendation: We recommend that CUC implement a system whereby a receivable/payable account records all cash received from the grantor agency and records all related expenditures. The account should be reconciled on a monthly basis to the SEFA.

Prior Year Status: The non-reconciliation of receivable or payable balances from or to grantor agencies and capital contributions accounts was reported as a finding in the audits of CUC for fiscal years 1990 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Receivables

Finding No. 2004-9

Criteria: Accounts receivable should be based on valid billings and collected in a timely manner.

Condition: At September 30, 2004, CUC has recorded \$16,570,357 in receivables from the CNMI government. The CNMI government has determined that most of these receivables are based on estimates related to water and sewer billings from previous years. As a result, the CNMI is disputing these receivables. At September 30, 2004, CUC recorded an allowance for doubtful accounts of \$15,314,459 related to these receivables.

In addition, at September 30, 2004, the CNMI government reported total utilities expense of \$11,519,548. Revenues earned from the government per CUC at September 30, 2004 amounted to approximately \$9,300,167, resulting in a variance of \$2,219,381. A reconciliation of this variance could not be provided.

Cause: The cause of the above condition is lack of reconciliation and review of individual government accounts and timely collection of outstanding balances.

Effect: The effect of the above condition is that receivables from the CNMI government may be overstated.

Recommendation: We recommend CUC follow-up on disputed billings to ensure proper billings and accurate recording of revenues. We also recommend CUC review the government utility accounts in detail with the CNMI to determine proper classification/identification of government accounts.

Prior Year Status: Lack of reconciliation and review of individual government accounts and timely collection of outstanding balances was reported as a finding in the audit of CUC for fiscal year 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Receivables

Finding No. 2004-10

Criteria: Disputed receivable balances should be resolved in a timely manner.

Condition: Of forty-seven receivable accounts tested, we noted the following:

- Account # 29619-4, amounting to \$259,572, was backbilled for water and sewer charges incurred from 1997 through 1999 for \$138,063. The customer is not making payments on the backbilling and has not been disconnected.
- Account # 15058-1, amounting to \$100,083, was closed in 1993 and written off in 1995 but charges were made to the account in 1996 and 1997 totaling \$100,083. This account was a master account of an apartment building for which individual accounts were established. The account appears to be a duplication of individual accounts charged. The account was written-off in the current year; however, the write-off was not reflected in the subsidiary ledger until fiscal year 2005.
- Account # 18802-9, amounting to \$606,558, was making payments on current meter billings, however, was not making payments on the amounts past due. The account has not been disconnected. Of the total, \$203,136 was written-off in the current year; however, the write-off was not reflected in the subsidiary ledger until fiscal year 2005.
- Account # 35751-7, amounting to \$138,658, was not making appropriate payments on a promissory note related to raw sewage brought to CUC's waste water treatment plants. The account indicated no activity during the year.
- Account #21868-5, amounting to \$107,366, was backbilled due to an unregistered meter. The customer is not making payments on the backbilling and has not been disconnected.
- Account #s 29313-4, 49162-1, 49335-3 and 50994-3, amounting to \$13,863, \$7,088, \$11,017 and \$10,999, respectively, at September 30, 2004, were billed based on erroneous meter readings resulting in over billings of \$10,890, \$7,078, \$11,000 and \$10,890, respectively.
- Twenty accounts amounting to \$3,017,658 at September 30, 2004 made payments only sufficient to cover current billings. They did not make payments on past due balances and have not been disconnected.
- Two accounts (#s 38005-5 and 5939-4) totaling \$34,223 at September 30, 2004 made no payments during the year; however, they were assessed late charges. Although the power service has been disconnected, the water service for both accounts remains active.
- Two accounts (#s 8267-7 and 44779-7) amounting to \$33,908 and \$20,106, respectively, at September 30, 2004 made no payments during the year; however, they were assessed current and late charges. The power and water services have been disconnected for one account (# 8267-7).

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-10, Continued

Condition, Continued:

- Sixteen accounts (#s 36169-1, 10509-8, 15542-4, 11024-7, 2450-5, 4997-3, 7587-9, 26354-1, 27613-9, 8055-6, 34143-8, 35751-7, 29506-3, 40700-7, 29313-4 and 13263-9) totaling \$648,016 at September 30, 2004 indicated no activity during the year. All of the accounts have been disconnected.

The accounts noted above are substantially allowed for.

Further, during our testing of the other receivables balance amounting to \$923,820 at September 30, 2004, we noted an amount receivable from the Commonwealth Ports Authority (CPA) of \$325,054. Based on our review of supporting documents, we noted that CPA actually paid CUC approximately \$73,856 (check #s 18935, 24548 and 24556, dated 02/27/96, 02/27/96 and 03/21/96, respectively) of this amount. CUC is currently unable to determine where the payments were applied. The remaining balance of \$251,198 appears to relate to relocation of power poles and installation of services at CPA facilities. We have been advised by CPA that such costs should have been assessed against the independent contractors requesting such services from CUC.

Cause: The cause of the above condition is the lack of timely review and resolution of old and/or disputed receivable balances, lack of disconnection of customers who have not paid, inaccurate reading of meters, incorrect meters installed, incorrect meter multiplier used and incorrect utility schedule used to bill customers.

Effect: The effect of the above condition is the increased potential for bad debts, resulting in losses to CUC and the misstatement of revenues and receivables.

Recommendation: We recommend that CUC implement policies and procedures to ensure the timely review and resolution of disputed receivable balances. We also recommend CUC review and strengthen its existing controls over meter reading policies and procedures to ensure accurate and timely readings.

Prior Year Status: Lack of timely review and reconciliation of receivable accounts was reported as a finding in the audits of CUC for fiscal years 2000 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Receivables

Finding No. 2004-11

Criteria: CUC's policy for accounts receivable allowance assessment provides for a one hundred percent (100%) provision for account balances greater than seventy-five days old.

Condition: Of forty-seven accounts receivable (totaling \$4,811,898) tested, we noted balances less than seventy-five days old representing billings due to erroneous meter usage and disputed balances. Based on our review of subsequent collections, we noted that some of these billing errors were written-off in the subsequent fiscal year. As a result, an audit adjustment of \$536,137 was proposed to increase the allowance for doubtful accounts to adequately provide for accounts less than seventy-five days old.

Cause: The cause of the above condition is the lack of specific review of accounts receivable.

Effect: The effect of the above condition is the possible overstatement of receivables and revenues.

Recommendation: We recommend CUC evaluate its current accounts receivable allowance assessment policy to consider specific review of individual accounts in the determination of the allowance for doubtful accounts.

Prior Year Status: Lack of specific review of accounts receivable was reported as a finding in the audit of CUC for fiscal year 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Receivables

Finding No. 2004-12

Criteria: All advances should be periodically reviewed to determine if the actual expense has been incurred.

Condition: Detailed summaries of other receivables and travel advances outstanding amounting to \$921,573 and \$13,150, respectively, as of September 30, 2004 were found to contain many individual items outstanding in excess of one year. At September 30, 2004, CUC recorded an allowance for doubtful accounts of \$898,067 related to these accounts.

Cause: The cause of the above condition is the lack of periodic review of the account.

Effect: The effect of the above condition is an overstatement of CUC's assets and an understatement of expenses at September 30, 2004. Additionally, the lack of timely follow-up on travel advances reduces the chance of recovery.

Recommendation: We recommend that long outstanding balances included in the accounts as of September 30, 2004 be reviewed and expensed as necessary. We also recommend that these accounts be reviewed on a monthly basis.

Prior Year Status: The lack of timely follow-up of advances and prepayments was reported as a finding in the audits of CUC for fiscal years 1993 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Inventory

Finding No. 2004-13

Criteria: Final inventory summaries should reflect the number of items counted during inventory procedures.

Condition: During tests of inventory, the following exceptions were noted:

- Of fifty-one inventory items physically counted, nineteen instances were noted where the count varied from the final inventory listing. Additionally, thirteen items counted were not listed in the final inventory listing.
- Of fifty-one inventory items traced from CUC's count sheet to the final inventory listing, we noted twelve instances where the final quantity varied.

Cause: The cause of the above condition may be due to the following:

- CUC's computer system records inventory when Accounts Payable personnel post vendor invoices into the system. Receiving reports prepared and posted by CUC's warehouse are matched by the system with the corresponding vendor invoices posted. Consequently, if corresponding invoices have not been posted by Accounts Payable or cannot be identified, inventory per books is not adjusted for warehouse receipts. As a result, inventory per books may be zero even though there may physically be inventory on hand. Therefore, inventory issuances by warehouse may result in negative inventory per books.
- Inventory issuances are not always properly recorded including items being removed from the warehouse without proper documentation, thus resulting in balances in the system when items are not physically available in the warehouse.

Effect: The effect of the above condition is a possible misstatement of inventory balances resulting in an opinion qualification on the account balance and related expenses.

Recommendation: We recommend that final inventory listings reflect quantities of items counted. We also recommend that the subsidiary ledger be reconciled to the final inventory listing.

Prior Year Status: Inaccuracies in inventory items counted as of balance sheet date versus the final inventory listing was reported as a finding in the audits of CUC for fiscal years 1994 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Inventory

Finding No. 2004-14

Criteria: A reconciliation of inventory balances between the general ledger and subledger should be performed regularly and differences, if any, should be investigated.

Condition: While the inventory balance per the general ledger was adjusted to agree to the inventory value report (subsidiary ledger) and the actual count, no reconciliation was performed to account for and investigate the differences between the general ledger and subsidiary ledger.

Cause: The cause of the above condition is the lack of established policies and procedures over inventory reconciliations.

Effect: The effect of the above condition is a possible misstatement of inventory balances resulting in an opinion qualification on the account balance and related expenses.

Recommendation: We recommend that CUC establish and implement policies and procedures for timely reconciliation and investigation of significant variances between inventory balances per general ledger and subsidiary ledger. CUC may consider specifically designating an employee to regularly perform the reconciliation.

Prior Year Status: Lack of established policies and procedures over inventory reconciliations was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Inventory

Finding No. 2004-15

Criteria: Inventories should be reviewed regularly for possible obsolescence.

Condition: Inventory items were not reviewed for possible obsolescence. Moreover, an inventory-aging analysis is not prepared to identify slow moving inventory items.

Cause: The cause of the above condition is the lack of established policies and procedures for the review and monitoring of obsolete and non-moving inventories.

Effect: The effect of the above condition is a possible misstatement of inventory balances resulting in an opinion qualification on the account balance and related expenses.

Recommendation: We recommend that CUC establish formal policies and procedures for obsolescence review and tracking of inventory movements. We also recommend that CUC establish and maintain an aging analysis to assist in determining potential obsolescence of inventory.

Prior Year Status: Lack of established policies and procedures for the review and monitoring of obsolete and non-moving inventories was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Inventory

Finding No. 2004-16

Criteria: When the moving average unit cost method of inventory costing is utilized, unit cost is updated for new purchases and issuances are valued based on the most recent average unit cost.

Condition: Certain inventory items have negative unit costs as of September 30, 2004 and, accordingly, related issuances have negative values. In addition, costs of inventory adjustments were not based on the most recent average unit costs.

Cause: The cause of the above condition may be due to the following:

- untimely posting of inventory purchases, receipts and issuances;
- lack of coordination between warehouse and accounts payable personnel for input of purchases and issuances; and
- lack of monitoring and review of inventory adjustments.

Effect: The effect of the above condition is a possible misstatement of inventory balances resulting in an opinion qualification on the account balance and related expenses.

Recommendation: We recommend that CUC (a) establish policies and procedures to ensure timely posting of inventory purchases, receipts and issuances; (b) establish a formal review process and monitoring procedures for inventory adjustments; (c) ensure coordination between responsible personnel; and (d) ensure that these policies and procedures are strictly adhered to.

Prior Year Status: Untimely posting of inventory purchases, receipts and issuances and the lack of coordination between warehouse and accounts payable personnel for input of purchases and issuances and monitoring and review of inventory adjustments was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Collection of Notes Receivable

Finding No. 2004-17

Criteria: Promissory notes should be periodically reviewed to ensure that the customer is performing according to terms, and alternate collection options should be pursued if the amount is in arrears.

Condition: Of eight promissory notes tested, we noted the following exceptions:

- The application of payments made by one customer (# 8267) did not correspond to the actual terms of the promissory note. The promissory note provides for periodic payments inclusive of principal and 12% annual interest. However, review of the customer's account history indicated payments being applied only to principal. Moreover, documentation authorizing the current treatment was not made available. In addition, the said promissory note lacks the signature of authorized CUC personnel. In January 2002, interest was calculated based on the outstanding balance of the promissory note. As a result, negative amounts were applied to the principal amount thus increasing the promissory note balance. Based on review of subsequent collections, no payments were made. We were unable to locate documentation to indicate that alternate collection procedures were pursued.
- The promissory note for two customers (#s 44879 and 35726) have not been provided for review.

Additionally, of \$465,474 notes receivable recorded at September 30, 2004, we tested subsequent receipts of accounts with balances greater than \$5,000 totaling \$237,419. Based on our tests, we noted the following:

- Six customer accounts (#s 8267, 5374, 8263, 9086, 48279 and 45277) amounting to \$84,019 did not indicate any payments made subsequent to year end.

An extrapolation of test results to the total population of \$465,474 indicated that an additional allowance of \$181,776 was needed to adequately provide for doubtful notes receivable. An audit adjustment is proposed to provide additional allowance.

Cause: The cause of the above condition is the lack of follow-up on delinquent notes receivable. In addition, there is a lack of timely review as to the application of payments received on promissory notes.

Effect: The effect of the above condition is the potential misstatement of notes receivable and loss of recovery on the accounts.

Recommendation: We recommend that CUC consider establishing procedures requiring periodic review of notes receivable and procedures for pursuit of delinquent accounts.

Prior Year Status: Lack of follow-up on delinquent notes receivable was reported as a finding in the audits of CUC for fiscal years 2001 through 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Due From Grantor Agencies

Finding No. 2004-18

Criteria: Due from grantor agencies should reflect valid claims from grantor agencies.

Condition: Of \$1,092,737 of grant expenditures tested, we noted the following exceptions:

- CUC's matching share amounting to \$109,274 was included in total federal expenditures.
- An administrative allowance of \$23,165 for each project was not calculated.

The above conditions were corrected through proposed audit adjustments.

Cause: The cause of the above condition is the lack of established policies and procedures to ensure that due from grantor agency balance reflects the grantor's share of qualifying expenditures.

Effect: The effect of the above condition is an overstatement of the due from grantor agency balances resulting in an opinion qualification on the account balance and related revenues.

Recommendation: We recommend that CUC ensure that only valid claims for reimbursement are recorded as due from grantor agency.

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Utility Plant

Finding No. 2004-19

Criteria: Adequate presentation and control of fixed assets is essential in preparing accurate financial statements. Additionally, unless all fixed assets are recorded, depreciation used in determining utility rates may be misstated.

Condition: CUC has not taken a physical inventory of fixed assets. Additionally, CUC has no registration system in place to ensure safekeeping of fixed assets. During our detailed testing of fixed assets, we noted the following:

- There is a lack of timely review and certification of projects for completion. The lack of coordination between the departments responsible for project oversight and the accounting department relative to the transfer and capitalization of completed projects contributed to this condition.
- Completed projects are not closed and transferred to fixed assets in a timely manner and often remain in Construction Work in Progress for several years. These assets, although already in use, are not being depreciated resulting in material misstatements of depreciation expense. This condition contributed to large variances between the net book values of assets tested and net book value derived through calculation of accumulated depreciation based on estimated useful lives.
- We were unable to complete tests of the following Power and Water assets due to a lack of adequate documentation supporting original capitalized costs:

<u>Account Number</u>	<u>General Ledger Description</u>	<u>Cost Per Books</u>	<u>Useful Life</u>	<u>Accumulated Depreciation</u>	<u>Net Book Value</u>
Power Division:					
023-1002	Saipan Permanent Power Plant 4T	\$ 2,866,819	15	\$ 2,376,852	\$ 489,967
023-1020	Emergency Power	2,753,768	20	1,870,083	883,685
022-1020	Fuel Storage Tanks	615,897	20	368,290	247,607
033-2001	Tinian Power Plant	<u>501,752</u>	20	<u>344,921</u>	<u>156,831</u>
	Total Power Assets	\$ <u>6,738,236</u>		\$ <u>4,960,146</u>	\$ <u>1,778,090</u>
Water Division:					
327-3001	Water Transmission Line-Rota	\$ 1,014,266	25	\$ 419,228	\$ 595,038
206-1003	Sadog Tasi Water	<u>883,189</u>	25	<u>435,705</u>	<u>447,484</u>
	Total Water Assets	\$ <u>1,897,455</u>		\$ <u>854,933</u>	\$ <u>1,042,522</u>

- Open work orders are not periodically reviewed to ensure timely closing and capitalization or write-off of the related costs recorded in construction in progress. Our tests revealed that work orders dating back to FY1992 remained open and as a result, construction in progress and depreciation or repairs and maintenance expenses in the related fiscal years was overstated and understated, respectively.
- Despite efforts by the accounting division to close out old work orders for FY2000 and prior, which resulted in approximately \$4.2 million in old work orders being closed, approximately \$1.2 million in work orders relating to fiscal year 2000 and prior remain in construction in progress. Further, work orders opened from October 1, 2000 through September 30, 2001 have yet to be analyzed to determine if such represent valid construction in progress.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued Year Ended September 30, 2004

Finding No. 2004-19, Continued

Condition, Continued:

- During physical presence and asset condition tests, we were unable to verify the existence of a Waste Oil Incinerator, valued at approximately \$510,000, at the Tinian Telesource Power Plant. The contract documents and the original project plan required a Waste Oil Incinerator to be built as part of the Power Plant. CUC personnel are currently determining whether a change order or subsequent agreement reached with Telesource eliminated the requirement to construct this asset.
- Portions of construction contracts, such as design and survey costs associated with the project, are not consistently capitalized. This condition resulted in numerous variances between projects costs recorded by CUC and project costs determined through attest procedures.
- A periodic inventory of CUC's fixed assets is not currently performed and has not been performed in recent years. There is no periodic verification concerning the existence and condition of fixed assets. As a result, assets that are retired and are no longer in use continue to be carried in CUC's fixed assets register.
- CUC's AS400 upgrades, which occur approximately every two years, are being depreciated over five years. This condition results in assets being depreciated for periods longer than their expected useful life.
- Currently, no process exists to ensure that retired or broken fixed assets are removed from the fixed asset listing. We noted several assets that have been retired, broken and in some instances destroyed, that were still carried in CUC's fixed asset register.
- During our review of the Rota Wastewater Project and the Rota Wastewater Outfall, we determined that both projects were completed in fiscal year 1989, but were never commissioned and remain unused to date.
- One Yanmar engine at the old Tinian Power Plant, which is no longer operational, has only seventy-eight hours of use. This engine has not been in use since the new Telesource Power Plant came on line in 1999. Discussions with CUC personnel in Tinian indicate that this engine is basically new. Additionally, we noted that numerous parts ordered for an overhaul of one of the other engines, valued in excess of \$100,000, are still in boxes in the parts warehouse.
- We noted various small dollar items (as low as \$30) being capitalized. CUC's fixed asset policy requires capitalization of assets with a value of \$300 or more, with the exception of small tools, which are to be depreciated over two years. We noted that this policy is not consistently followed.
- One of the three Caterpillar "containerized" engines at the old Isley Power Plant has not been in operation. We learned from discussions with CUC personnel that these engines currently only serve as a back up power source for the water pumps and related equipment located in and around the Isley area. Further, we learned that two of the engines are in need of repair; however, no funds have been allocated. If the engines are in fact idle, CUC should suspend depreciation and record a disposal of fixed assets.

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Finding No. 2004-19, Continued

Condition, Continued:

- Out of nine additions tested, the general ledger detail (GL # 1117) for one was not made available.
- The supporting documents for the following work orders evidencing material issuances, labor charges to appropriate work orders and certification of work completions have not been provided. Thus, we were unable to verify that the following work orders were valid and closed in a timely manner.

<u>Work Order #</u>	<u>Fixed Asset #</u>	<u>Amount</u>
201550	9641501	\$ 4,800
300802	Various	\$ 7,543
200346	Various	\$ 69,891
201550	9651901	\$ 11,543
301749	9680181	\$ 10,751

- There were no overhead costs charged to two work orders (#s 201550 and 300802).
- A detailed schedule of current year construction-in-progress (CIP) has not been provided.
- The fixed assets balance per the general ledger is not reconciled by \$6,293,608 to the balance per the subsidiary ledger.

Cause: The causes of the above conditions are as follows:

- No inventory of fixed assets has been taken.
- There is a lack of coordination between CUC's departments responsible for project oversight and the accounting department relative to procedures for closing completed projects.
- There is a lack of timely review and certification of projects for completion.
- The fixed asset capitalization policy is not being consistently applied.
- There is a lack of supporting documents.
- Reconciliations of construction in progress accounts are not regularly performed.
- Assets are not individually evaluated as to their useful life prior to being capitalized.
- There is a lack of periodic review of work orders.
- Reconciliations between the general ledger and subledger are not performed.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-19, Continued

Effect: The effect of the above condition is a possible misstatement of fixed asset balances resulting in an opinion qualification on the account balance and related depreciation expense. Additionally, a serious weakness in control exists over the safeguarding of fixed assets.

Recommendation: We recommend that CUC perform a physical inventory of all fixed assets on hand, agree the count with its records and make necessary adjustments. Additionally, we recommend that CUC implement a system of tagging fixed assets and perform periodic counts to ensure existence.

Prior Year Status: The lack of control over fixed assets was reported as a finding in the audits of CUC for fiscal years 1988 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Utility Plant

Finding No. 2004-20

Criteria: Insurance coverage protects an organization from potential material losses.

Condition: CUC has not obtained insurance for its fixed assets.

Cause: The cause of the above condition is the lack of an adequate policy to ensure insurance coverage.

Effect: The effect of the above condition is the possibility of material losses.

Recommendation: We recommend that CUC implement a policy with respect to required insurance coverage levels.

Prior Year Status: The lack of insurance coverage was reported as a finding in the audits of CUC for fiscal years 1989 through 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Payables

Finding No. 2004-21

Criteria: A reconciliation of accounts payable balances between the general ledger and subsidiary ledger should be performed regularly and differences, if any, should be investigated.

Condition: At September 30, 2004, the accounts payable balance per the general ledger was \$565,211 more than the balance per the subsidiary ledger. A reconciliation of the variance was not provided.

Cause: The cause of the above condition is the lack of timely reconciliation of accounts payable balances between the general ledger and the subsidiary ledger.

Effect: The effect of the above condition is the possible misstatement of accounts payable resulting in an opinion qualification on the account balance and related expenses.

Recommendation: We recommend that CUC ensure timely reconciliation and investigation of variances between the general ledger and subsidiary ledger for all account balances.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued Year Ended September 30, 2004

Obligations Under Capital Lease

Finding No. 2004-22

Criteria: Financial Accounting Standards Board (FASB) Statement No. 13, *Accounting for Leases*, requires that the lessee record a capital lease as an asset and an obligation at an amount equal to the present value of minimum lease payments during the lease term. However, if the amount so determined exceeds the fair value of the leased property at the inception of the lease, the amount recorded as the asset and liability shall be fair value.

Emerging Issues Task Force (EITF) Issue No. 01-8 states that in certain circumstances energy-related contracts may represent lease transactions, and the evaluation of whether an arrangement contains a lease within the scope of FASB No. 13 should be based on the substance of the arrangement and whether the use of specific property, plant and equipment is necessary in the fulfillment of the arrangement.

Condition: CUC entered into an agreement with a contractor for the construction, maintenance and operation, and transfer of ownership of a 10 Megawatt Power Plant on the island of Tinian. The agreement is for a guaranteed price of \$9,959,000 plus interest and fees of \$11,641,000 payable over ten years. During this period, the contractor will maintain and operate the power plant and be paid operation, production and maintenance fees in addition to the guaranteed price. The power plant will be turned over to CUC at the end of the ten year period.

CUC has determined that this agreement is in fact a capital lease and that the payments made under the agreement are lease payments. As such, CUC recorded \$9,959,000 as plant and obligations under capital lease.

CUC has been unable to determine whether the guaranteed price of \$9,959,000, in fact, constitutes the fair value of the leased property.

Cause: The cause of the above condition is that CUC has not determined the actual cost of the power plant or obtained an appraisal.

Effect: The effect of the above condition is the possible misstatement of obligations under capital lease resulting in an opinion qualification on the account balance.

Recommendation: We recommend that CUC determine the actual cost of the plant, or obtain an appraisal of the plant for purposes of compliance with the EITF.

Prior Year Status: The inability to determine whether the recording of the plant and obligation under capital lease are in accordance with FASB No. 13 and EITF No. 01-8 was reported as a finding in the audits of CUC for fiscal years 2000 through 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Automated Data Processing

Finding No. 2004-23

Criteria: A formal Disaster Recovery Plan, written Automated Data Processing (ADP) policies and procedures and offsite storage for daily back-up files are recommended for all large organizations.

Condition: CUC currently has no formal Disaster Recovery Plan or written ADP policies and procedures. In addition, CUC does not have an offsite storage for daily back-up files.

Cause: The cause of the above condition is possibly due to lack of required policies and procedures regarding ADP.

Effect: The effect of the above condition is the potential inability of CUC's ADP department to recover from a disaster and resume operations in a reasonable time frame, which in turn, could result in loss of critical data, revenue and also lead to customer service and public relations concerns.

Recommendation: We recommend that CUC review the need to document in writing its ADP policies and procedures and to develop and adopt a formal Disaster Recovery Plan for its ADP department. CUC should also maintain an offsite storage for daily back-up files.

Prior Year Status: Lack of a formal Disaster Recovery Plan and written ADP policies and procedures was reported as a finding in the audits of CUC for fiscal years 2001 through 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Recovery of Labor Costs

Finding No. 2004-24

Criteria: Generally, direct costs incurred internally, including labor costs, related to federally funded projects are reimbursable or may be used for matching purposes.

Condition: Currently, CUC does not request reimbursement of direct labor costs incurred on various federally funded construction projects.

Cause: The cause of the above condition is that CUC has not pursued this matter with the grantor agencies.

Effect: The effect of the above condition is the potential loss of federal revenue and inefficient use of internal funds.

Recommendation: We recommend that CUC review the above condition and pursue such if it is deemed to be in the best interest of CUC.

Prior Year Status: Lack of request of reimbursement of direct labor costs incurred on various federally funded construction projects was reported as a finding in the audits of CUC for fiscal years 2001 through 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Board Minutes

Finding No. 2004-25

Criteria: All board and executive meetings should be appropriately and promptly documented and maintained.

Condition: Subsequent to December 14, 2004, the minutes of board of directors meetings were not made available.

Cause: The cause of the above condition is the lack of timely transcription of the minutes of the meetings.

Effect: The effect of the above condition is an incomplete and inaccurate record of management and board of directors' actions and decisions resulting in an opinion qualification.

Recommendation: We recommend that CUC ensure that all board of directors and executive meetings are appropriately and promptly documented.

Prior Year Status: Lack of timely transcription of the minutes of board of directors' meetings was reported as a finding in the audits of CUC for fiscal years 2002 and 2003.

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Local Noncompliance

Finding No. 2004-26

Criteria: Under CUC's procurement regulations, Section 3-105, contracts awarded under emergency procurement require written determination of the basis for the emergency and the selection of the particular contractor by the Executive Director with approval by the Board of Directors (the Board). Additionally, Section 3-103 of CUC's procurement regulations states that procurement through small purchase procedures should be supported with price quotations from at least three vendors and vendor selection should be based on competitive price and quality.

Condition: During tests of compliance with procurement regulations, we noted the following:

- One contract (ref. CUC-EDP-02-C012) was selected based on the lowest bidder. However, quotes obtained from other bidders to support the selection were not made available.
- One contract (ref. CUC-BD-02-C007) executed under emergency procurement had no written determination made by the Executive Director for the basis of the emergency and selection of the contractor.

Cause: The cause of the above condition is lack of complete documentation supporting the selection of contractors.

Effect: The effect of the above condition is noncompliance with established procurement policies and regulations.

Recommendation: We recommend that CUC ensure strict adherence to established procurement policies and regulations and ensure that disbursements are properly approved and supported. Additionally, we recommend that CUC ensure all contracts are properly supported with complete procurement files.

Prior Year Status: Lack of complete documentation supporting the selection of contractors was reported as a finding in the audit of CUC for fiscal year 2003.

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Local Noncompliance

Finding No. 2004-27

Criteria: In certain instances, the award of contracts for recurring and continuing service requirements is often delayed due to circumstances beyond the control of contracting offices. An effective procurement regulation should explicitly provide for policies governing extension of performance for recurring and continuing service requirements.

Condition: Our review of compliance with procurement regulations noted two contracts (ref. CUC-ALL-04-C005 and CUC-PG-02-C001/C002/C003/C004), which were renewed for another year. The contracts included a provision for contract renewal that was exercised by CUC. CUC's procurement regulations do not explicitly provide for policies governing extension of contracts for recurring and continuing service requirements.

Cause: The cause of the above condition is lack of established policies governing extension of contracts for recurring and continuing service requirements.

Effect: The effect of the above condition is the potential to award contracts without providing for an open and free competition.

Recommendation: We recommend CUC review existing procurement regulations and formulate policies governing extension of contracts for recurring and continuing service requirements.

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Section III - Federal Award Findings and Questioned Costs

Procurement and Suspension and Debarment

Finding No. 2004-28

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
U.S. Department of the Interior / DOI and Capital Improvement Projects / CFDA # 15.875 / Federal Award # Fiscal Year 1996 - 2002 Appropriations Act / Federal Award Period Available Until Expended	<p><u>Criteria:</u> In accordance with Section 5-103 of the CNMI Procurement Regulations, contractors shall not be allowed to continue working beyond the expiration term of an original contract in the absence of an approved new contract or change order. Change orders shall be processed using the procedures for processing new contracts in Section 2-104.</p> <p>Furthermore, Section 12.76(a) of 43 CFR 12, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, requires that a State will use the same policies and procedures used for procurements from non-Federal funds. They also shall ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations.</p>	

Condition: Of \$2,940,669 in expenditures tested, we noted the following:

- Expenditures were incurred beyond the contract expiration for the following:

<u>Contract</u>	<u>Invoice/ Payment Request #</u>	<u>Total Amount</u>	<u>Federal Share</u>
250 OS	10, 11, 12	\$ 147,388	\$ 73,694
214 OS	8, 9	367,280	183,640
173 OS	Final	121,442	72,865
144 OS	8, 9	<u>295,253</u>	<u>147,627</u>
Total		<u>\$ 931,363</u>	<u>\$ 477,826</u>

The related change orders for the above contracts were approved only subsequent to the expiration date of the original contracts.

We noted that the delay in processing the change order to extend the contract period for one contract (Ref. 144 OS) was due to the suspension of funds by the grantor agency on February 21, 2003. However, documentation verifying that grantor agency had lifted the suspension during the year has not been provided.

\$ 477,826

- Two change orders related to one contract (contract # 265 OS, change orders #s 1 and 2, amounting to \$11,100 and \$7,400, respectively) were procured through small purchase instead of competitive procedures as required by the state's regulation. The change orders exceeded the 25 percent cumulative requirement. We did not note the justification for the small purchase procurement and evidence that the change orders were procured in accordance with the state's regulations. Current year expenditures incurred pursuant to this contract amounted to \$33,300, \$16,650 of which represents the federal share.

16,650

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Finding No. 2004-28, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
U.S. Department of the Interior / DOI and Capital Improvement Projects / CFDA # 15.875 / Federal Award # Fiscal Year 1996 - 2002 Appropriations Act / Federal Award Period Available Until Expended	<u>Condition, Continued:</u>	
	<ul style="list-style-type: none"> • One contract (ref. 266 OS) was awarded to a contractor based on the recalculation of the detailed bid amount. Based on the original lump sum of the bids received, the contractor was not the lowest bidder. We were informed that a recalculation of the details of the bid amount showed that the total cost was the lowest bid. The bid proposal for the other bidder, however, was not provided. Current year expenditures related to this contract amounted to \$296,000, of which \$148,000 represents the federal share. 	148,000
	<ul style="list-style-type: none"> • One contract (ref. 278 OS) for construction management services was procured through competitive sealed proposals. During our testing, we noted that only the highest ranked contractor was approached to submit a cost proposal for negotiation. It was also noted that the second and third ranked contractors were within competitive range and should have been approached to submit a cost proposal for proper consideration of all evaluation factors. Current year expenditures related to this contract amounted to \$25,787, of which \$12,702 represents the federal share. 	12,702
	<p><u>Cause:</u> The cause of the above condition is the lack of established policies and procedures to ensure timely processing of change orders. Further the contracts were procured utilizing CUC's procurement regulations rather than the CNMI's procurement regulations.</p> <p><u>Effect:</u> The effect of the above condition is noncompliance with Section 5-103 of the CNMI procurement regulations, noncompliance with federal procurement requirements and questioned costs of \$655,178.</p> <p><u>Recommendation:</u> We recommend that CUC ensure compliance with established procurement regulations for pass through grants.</p>	
		<hr/> 655,178

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Allowable Costs/Cost Principles

Finding No. 2004-29

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of Homeland Security / Public Assistance Grants / CFDA # 97.036 / Federal Award #s FEMA-1532-DR and FEMA-1541-DR / Federal Award Periods 07/29/04 through 07/24/04 completion	<p>Criteria: Under the Public Assistance (PA) Policy Digest, as established by the Federal Emergency Management Agency (FEMA), the costs associated with materials that were taken from the applicant's stock and used during performance of eligible work may be claimed on the basis of quantity. Materials must be of reasonable amount and cost.</p> <p>Condition: Of \$278,703 in material costs, we tested thirty-four expenditures totaling \$76,609. During our testing, we noted the following:</p> <ul style="list-style-type: none"> For Typhoon Chaba - Project Worksheet (PW) 310, quantity of materials claimed were not supported by CUC system records or inventory issuances per warehouse material transaction (WMT) provided for the following: 	

WMT No.	Date Issued	Part No.	Qty.	Claimed from FEMA		Per CUC System Records		Variance
				Unit Price	Amt.	Qty.	Amt.	
51212	08/25/04	2500-01-00	1	\$ 3,018	\$ 3,018	-	-	\$ 3,018
51572	09/04/04	2515-01-67	1	\$ 2,670	\$ 2,670	-	-	2,670
51299	08/24/04	2511-0025	2	\$ 713	\$ 1,427	returned		1,427
51174	08/23/04	1000-45-01	4	\$ 711	\$ 2,845	3	2,134	711
Total								\$ 7,826
Federal share								\$ 7,043

- Work order description per system and WMT did not indicate whether or not materials were used for the following Typhoon Tingting projects:

Project	WMT No.	Date Issued	Part No.	Claimed from FEMA			
				Qty.	Unit Price	Amt.	
PW-55	WHE712	07/15/04	2511-00-75	1	\$ 1,463	\$ 1,463	
PW-68	51046	08/14/04	6730-00-30	1	\$ 2,163	2,163	
PW-68	50612	07/20/04	6761-03-07	2	\$ 920	1,840	
PW-68	50612	07/20/04	6762-00-05	1	\$ 1,309	1,309	
Total							\$ 6,775
Federal share							\$ 6,098

- We noted variances in unit costs claimed for the following:

Disaster	Project	WMT No.	Date Issued	Part No.	Qty.	Unit Price		CUC Unit Price	Variance
						Claimed	Unit		
Tingting	PW-55	50427	07/01/04	2511-01-00	1	\$ 2,171	\$ 2,105	\$ 66	
Tingting	PW-55	WHE227	07/03/04	2500-00-25	1	\$ 910	\$ 688	222	
Chaba	PW-310	51455	08/31/04	2511-01-00	3	\$ 2,311	\$ 2,129	546	
Total									\$ 834
Federal share									\$ 751

COMMONWEALTH UTILITIES CORPORATION
Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-29, Continued

Program	Reason for Questioned Costs	Questioned Costs
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Condition, Continued:

- For Typhoon Tingting - PW 55, the following material cost did not agree with supporting invoices:

<u>WMT No.</u>	<u>Date Issued</u>	<u>Part No.</u>	<u>Qty.</u>	<u>Total Cost Claimed</u>	<u>Per System</u>	<u>Variance</u>
50462	07/02/04	1000-45-01	2	\$ 1,320	\$ 1,422	\$ (102)
50426	07/01/04	2511-00-50	1	\$ 1,080	\$ 1,034	46
50501	07/02/04	2511-00-50	3	\$ 3,240	\$ 3,104	136
Total						\$ 80
Federal share						\$ 72

72

- Work order and WMT references were not provided for one project, Typhoon Chaba - PW 422, for the following claims:

<u>Part No.</u>	<u>Qty.</u>	<u>Unit Price</u>	<u>Amount</u>
1000-45-01	8	\$ 518	\$ 4,144
2511-01-00	3	\$ 2,129	6,387
2512-00-25	4	\$ 765	3,060
2512-00-37	6	\$ 950	5,700
2512-00-50	3	\$ 1,071	3,213
Total			\$ 22,504
Federal share			\$ 20,254

20,254

Cause: The cause of the above condition is the lack of established policies and procedures to ensure that appropriate rates are used and inventory issuance documents (WMT) are maintained.

Effect: The effect of the above condition is questioned costs of \$34,218.

Recommendation: We recommend that CUC ensure that material costs claimed are properly supported.

34,218

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-31, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>																
	<u>Condition, Continued:</u>																	
	• For Typhoon Tingting PW 27, typhoon pay (for PPE 07/10/04) for the following employees holding executive/managerial/supervisory positions was claimed:																	
	<table border="0"> <thead> <tr> <th style="text-align: center;"><u>Employee #</u></th> <th style="text-align: center;"><u>Amount Claimed</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">381</td> <td style="text-align: right;">\$ 1,045</td> </tr> <tr> <td style="text-align: center;">649</td> <td style="text-align: right;">746</td> </tr> <tr> <td style="text-align: center;">1231</td> <td style="text-align: right;">689</td> </tr> <tr> <td style="text-align: center;">627</td> <td style="text-align: right;">689</td> </tr> <tr> <td style="text-align: center;">3299</td> <td style="text-align: right;">810</td> </tr> <tr> <td style="text-align: center;">9927</td> <td style="text-align: right;"><u>453</u></td> </tr> <tr> <td style="text-align: center;">Total</td> <td style="text-align: right;">\$ <u>4,432</u></td> </tr> </tbody> </table>	<u>Employee #</u>	<u>Amount Claimed</u>	381	\$ 1,045	649	746	1231	689	627	689	3299	810	9927	<u>453</u>	Total	\$ <u>4,432</u>	4,432
<u>Employee #</u>	<u>Amount Claimed</u>																	
381	\$ 1,045																	
649	746																	
1231	689																	
627	689																	
3299	810																	
9927	<u>453</u>																	
Total	\$ <u>4,432</u>																	
	<u>Cause:</u> The cause of the above condition is the lack of established policies and procedures to ensure that contracts, timesheets, and overtime authorizations are maintained.																	
	<u>Effect:</u> The effect of the above condition is questioned costs of \$36,505.																	
	<u>Recommendation:</u> We recommend that CUC ensure that labor costs claimed are properly supported.																	
		<u>36,505</u>																

COMMONWEALTH UTILITIES CORPORATION

**Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004**

Allowable Costs/Cost Principles

Finding No. 2004-32

Program	Reason for Questioned Costs	Questioned Costs
U.S. Department of Homeland Security / Public Assistance Grants / CFDA # 97.036 / Federal Award #s FEMA-1532-DR and FEMA-1541-DR / Federal Award Periods through 07/29/04 and through 07/24/04 completion	<p>Criteria: The Public Assistance (PA) program restricts eligible direct costs for applicant-owned equipment used to perform eligible work to reasonable rates that were established under State guidelines, or when the hourly rate exceeds \$75, rates may be determined on a case-by-case basis by FEMA. When local guidelines are used to establish equipment rates, reimbursement is based on those rates or rates in a Schedule of Equipment Rates published by FEMA, whichever is lower. Provision is also made when no rates are established or the entity wishes to claim an equipment rate that exceeds the FEMA Schedule (44 CFR section 206.228(a)(1)). Equipment rates are applied only to the time equipment is actually working. Standby time and idle time are not eligible.</p> <p>Condition: During our testing of equipment costs, relevant FEMA equipment codes used, approved equipment rate listing if FEMA code was not used, proof of equipment ownership and certification of equipment hours by supervisor were not made available for the following:</p>	

Project	Equipment	Period	Hours	Equip. Rate	Total Cost	Federal Share
Tingting						
PW-55	Auger-3052	06/29/04	7.5	\$ 75	\$ 563	\$ 506
PW-55	Auger-3052	06/30/04	7.5	\$ 75	\$ 563	506
PW-55	Auger-2708	07/02/04	15.5	\$ 75	\$ 1,163	1,046
PW-55	Auger-3052	07/02/04	7.5	\$ 75	\$ 563	506
PW-55	Auger-3052	07/03/04	10.0	\$ 75	\$ 750	675
PW-55	Boom Truck-3604	07/03/04	10.0	\$ 50	\$ 500	450
PW-55	Bucket-3592	07/03/04	10.0	\$ 50	\$ 500	450
PW-68	Veh. No.-3188	06/29/04	8.0	\$ 15	\$ 120	108
						<u>4,247</u>
Chaba						
PW-310	Int'l Bucket Truck-1537	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Toyota Hilux-Xcab-1590	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Boom Truck-1840	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Toyota Hilux-Xcab-2025	08/22/04-09/04/04	195.5	\$ 15	\$ 2,933	2,639
PW-310	Toyota Hilux-Xcab-2034	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Toyota Hilux-Xcab-2035	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	FrontierX-cab-2605	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	F350 Ford-2706	08/22/04-09/04/04	190.0	\$ 35	\$ 6,650	5,985
PW-310	F350 Ford-2708	08/22/04-09/04/04	190.0	\$ 35	\$ 6,650	5,985
PW-310	FrontierX-cab-2709	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Mini Bucket-2763	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Mini Bucket-2764	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Ford Ranger-2978	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Ford Ranger-2980	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Int'l Bucket Truck-3015	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Kenworth Bucket-3064	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Kenworth Bucket-3070	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Kenworth Bucket-3071	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Pathfinder-3425	08/22/04-09/04/04	190.0	\$ 15	\$ 2,850	2,565
PW-310	Toyota Tacoma-3429	08/22/04-09/04/04	195.5	\$ 15	\$ 2,933	2,639
PW-310	Bucket Truck-3591	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550
PW-310	Bucket Truck-3592	08/22/04-09/04/04	190.0	\$ 50	\$ 9,500	8,550

Total

\$ 123,268

127,515

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

Finding No. 2004-32, Continued

<u>Program</u>	<u>Reason for Questioned Costs</u>	<u>Questioned Costs</u>
	<p><u>Cause:</u> The cause of the above condition is the lack of established policies and procedures to ensure that authorized rates are used and that equipment rate listing and certifications for equipment operation are maintained.</p> <p><u>Effect:</u> The effect of the above condition is questioned costs of \$127,517.</p> <p><u>Recommendation:</u> We recommend that CUC ensure that equipment costs claimed are properly supported.</p>	
	Total Questioned Costs	\$ <u>927,849</u>

COMMONWEALTH UTILITIES CORPORATION

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2004

U.S. Department of Homeland Security
Allowable Costs/Cost Principles - Public Assistance Grants
CFDA #97.036, Federal Award #s FEMA-1532-DR and FEMA-1541-DR
Federal Award Periods 07/29/04 through completion and 07/24/04 through completion

Finding No. 2004-33

Criteria: In accordance with the Public Assistance (PA) Policy Digest, for large projects, costs are claimed on a reimbursement basis. Due from grantor should reflect liquidated expenditures.

Condition: At September 30, 2004, CUC has included unpaid expenditures in the Schedule of Expenditures of Federal Awards for the following Typhoon Chaba project:

<u>Project</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>	<u>Federal Share</u>
PW-421	Guam Power Authority	2779	\$ 84,421	\$ 75,979

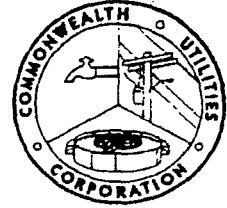
Cause: The cause of the above condition is the lack of established policies and procedures to ensure that expenditures reported on the Schedule of Expenditures of Federal Awards represent valid claims.

Effect: The effect of the above condition is the overstatement of receivables. No questioned costs result from the condition above as CUC did not receive a reimbursement from the grantor at September 30, 2004.

Recommendation: We recommend that CUC ensure that expenditures reported on the Schedule of Expenditures of Federal Awards represent valid claims.



Commonwealth Utilities Corporation



Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004

Financial Statement Findings

Revenues/Receipts

Finding No. 2004-1

CUC agrees with the finding. CUC has forwarded some of the easement disputes on file to outside counsel for immediate resolution or is handling them internally. The unresolved dispute account holders are requesting administrative hearing to resolve their dispute. CUC's administrative hearing officer is required to handle these accounts.

To prevent the occurrence of future easement claims, CUC requires all new connections to be accompanied with dedication of easement by the applicant or owners of the land. For its own in house projects, CUC has hired an easement specialist to ensure that CUC projects do not encroach private property. For those projects requiring the use of private property CUC shall formally seek an agreement with the affected parties prior to using such properties.

Purchases/Disbursements

Finding No. 2004-2

CUC agrees with this finding. CUC's policies and procedures (No. PC-010) state that receiving function will be handled by the warehouse for which the goods are assigned. All the Division Managers are being reminded again on CUC's policy on centralized receipts at the warehouse. All items received, both stock and non-stock must be entered in the inventory system for automatic interface to payment processing.

Finding No. 2004-3

CUC agrees with this finding. CUC will take corrective action to ensure that construction in progress expenditures will be recorded in the year incurred in order to avoid over and under expenditure reporting.

Finding No. 2004-4

CUC agrees with this finding. CUC will take corrective action to ensure that construction in progress expenditures will be recorded in the year incurred in order to avoid over and under expenditure reporting.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Payroll

Finding No. 2004-5

CUC disagrees with this finding. CUC has taken action from previous years findings and the Payroll Manager disallows access to timesheet edits after submission of the timesheet edits and time cards to the Payroll Section. She restricts them thru the Timekeeper User Security Controls. For next payroll processing, she restores their access necessary for time data entries.

CUC has been in the process of purchasing a human resources module to ensure proper segregation of duties in payroll processing. As soon as the new system is installed, the Human Resources Office will be responsible in inputting the approved pay rates in the system. At present, the Payroll Section inputs the approved pay rate in the system. Only the Payroll Manager has access in inputting the pay rates in the system. The other payroll personnel are restricted.

Auditor Response: Although CUC has subsequently addressed issues related to the timekeepers, the condition existed during the year ended September 30, 2004.

CUC indicated in their response that the Human Resources Office will be responsible in inputting approved pay rates once their new system is installed. As such, it appears that they recognize that the Human Resources Office should be responsible for inputting approved pay rates.

Finding No. 2004-6

CUC agrees with the finding. All Division Managers and timekeepers have been reminded to ensure that all:

1. Payroll timesheet/timecard report, overtime and leave authorization should be signed by the employee and approved by the respective Division Manager
2. Non-emergency overtime must be pre-approved by the supervisor seventy-two hours in advance.
3. All allotments should be approved by the employee and be maintained in the employee personnel file.

Finding No. 2004-7

CUC partially agrees with this finding. CUC has asked the Payroll Manager to ensure that all payroll calculations are verified and to ensure that the payroll system is correctly updated for changes to the employee pay rates.

External Financial Reporting

Finding No. 2004-8

CUC agrees with this finding. CUC will be implementing a system to record all cash received from the grantor agency and all related expenditure. CUC is also planning to train an accounting staff to take over the work performed by the previous Chief Accountant. The staff in charge will implement a system whereby the Grants Section and project manager/engineers coordinate with the Accounting Section for all cash received and payment requests in order to properly monitor the receivable/payable account.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Receivables

Finding No. 2004-9

CUC agrees with the finding. CUC is in discussion with the new administration and the CNMI Department of Finance to reconcile the outstanding receivable. The CNMI government has substantially increased its payments to CUC in the past nine months. CUC believes that with the increased payments from the central government, the \$16,570,357 receivables from the CNMI government will be completely paid off by the end of fiscal year 2006.

Finding No. 2004-10

CUC agrees with this finding that disputed accounts should be resolved in a timely manner. In order to address the issue CUC is taking corrective action such as timely and accurate meter reading, disconnection for non-payment and reconciliation of receivable accounts. Furthermore, CUC is also looking into changing some of its regulations to discourage customers from easily disputing their accounts.

Finding No. 2004-11

CUC agrees with the finding and is in the process of reassessing its procedures for determining the allowance for doubtful accounts. In light of the "erroneous meter usage" condition reported in this finding and to improve financial reporting, CUC plans to implement procedures to conduct mid-year and year-end reviews of all accounts with balances of \$25,000 or more that are in the "46 to 75 days" past due category. CUC will individually review each account to determine whether any part of the balance is due to erroneous meter usage [meter reading errors or meter malfunctions] and or disputed balances. If so, CUC will then make a preliminary assessment of the amount that it believes may be uncollectible, including any late charges, which will then be included in the allowance for doubtful accounts. In addition, at year-end, CUC will conduct a similar review of all accounts with balances of \$25,000 or more that are in the "16 to 45 days" past due category. Such reviews should prevent the possibility of any material overstatement of receivables and revenues.

Finding No. 2004-12

CUC agrees with this finding and is in the process of reconciling its other receivables and writing-off those other receivables that are not collectible.

Inventory

Finding No. 2004-13

CUC agrees with the finding. CUC has hired an accountant dedicated to do inventory analysis and review. He is tasked to implement procedures to ensure that physical counts match the final inventory listing and the withdrawal of inventory is properly recorded. In addition to the procedures to be implemented, the Inventory Accountant has started with the reconciliation of subsidiary ledger to the final inventory listing. CUC is also in the process of implementing a Bar Coding System for the warehouse in order to improve the accounting procedures in the warehouse.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Inventory, Continued
Finding No. 2004-14

CUC agrees with the finding. CUC has hired an Inventory Accountant, specifically designated to perform reconciliation procedures on a monthly basis. He is assigned to implement procedures to ensure for timely reconciliation and investigation of significant variances between inventory balances per general ledger and subsidiary ledger. All adjustments in the inventory system are reviewed by him. CUC is also in the process of implementing a Bar Coding System for the warehouse in order to improve the accounting procedures in the warehouse.

Finding No. 2004-15

CUC agrees with the finding. CUC has tasked the Warehouse Manager to segregate all obsolete inventory items. A listing was prepared by warehouse staff and reviewed by the Inventory Accountant. All Division Managers were required to verify the listing. The Inventory Accountant together with the Warehouse Manager are working on establishing policies and procedures for obsolescence review and tracking of inventory movements.

Finding No. 2004-16

CUC agrees with the finding. CUC has recently conducted training on the inventory module to explain the flow of transaction that affects the inventory unit cost. Employees responsible in Accounts Payable, Procurement and Supply and the Warehouse were taught how to process inventory transactions in a timely manner. The training emphasized the effects of timely and accurate encoding of data from the preparation of purchase, receiving and issuing to the encoding of vendor's invoices in the coming up with an accurate inventory unit cost. The system generates daily exception report for negative unit costs and negative quantities. The Inventory Accountant will strictly monitor the flow of information processed in the financial modules involved with inventory costing.

Collection of Notes Receivable
Finding No. 2004-17

CUC agrees with the finding. The Comptroller has tasked the Credit and Collection Section to review long-outstanding promissory notes. Demand letters are issued to customers with delinquent accounts. CUC has engaged the services of a collection agency to pursue more aggressive efforts to collect overdue accounts.

Due From Grantor Agency
Finding No. 2004-18

This finding was corrected through proposed audit adjustment. CUC will ensure proper reconciliation of amounts due from grantor agency.

Utility Plant
Finding No. 2004-19

CUC agrees that it has not conducted a 100 percent physical inventory of its fixed assets. However, in 2002, CUC engaged Deloitte to perform agreed-upon procedures related to the fixed assets and accounting records. One such procedure was to conduct a physical inventory of all major fixed assets, of which Deloitte verified the existence of more than 80 percent of the total assets.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Utility Plant, Continued

Finding No. 2004-19, Continued

Conversely, CUC disagrees that it lacks a registration system for fixed assets. The CUC automated data processing system has a "Fixed Asset" module for recording and entering all pertinent data needed to readily identify and account for its assets. The module has three maintenance screens for this purpose, as follows:

Asset Information Screen: for assigning a number to each asset, description, location, classification number, depreciation rate, general ledger code, tag number, serial number, model, manufacturer, vendor name, license number with expiration date (for vehicles), and, if property assigned, employee name.

Asset History Screen: for recording asset cost and or acquisitions and retirements.

Net Book Value Screen: for summarizing the asset cost, accumulative depreciation, and net book value.

Further, CUC disagrees with the inclusion of the conditions reported herein that were developed by Deloitte when applying agreed-upon procedures under an engagement that was separate from the audit engagement. The agreed-upon procedures were for the sole purpose of assisting CUC evaluate its fixed assets as of February 28, 2002. Thus, this finding should only make reference to the report for the agreed-upon procedures and what actions CUC has or has not taken to correct the findings in that report.

CUC disagrees that many of the itemized conditions contained in this finding existed at the time of this audit. Deloitte assisted CUC in reconciling, adjusting, and recording the proposed adjustments to its fixed asset records and or initiated corrective action to address and remove from the report the following conditions:

- Implemented procedures to ensure timely review, certification, transfer, and capitalization of completed projects. Accounting section now coordinates with division engineers to transfer promptly construction work in progress to fixed assets, e.g. the Kagman 1-million gallon water tank, Marpo water well, and Chinatown sewer system.
- Recorded the Deloitte adjustments to correct depreciation for completed projects that were not timely closed and transferred to fixed assets.
- Cleared and or closed open work orders dating back to fiscal year 1992 to properly capitalize costs, adjust depreciation, write-off costs related to repairs and maintenance, and correctly state construction work in progress. Now, CUC Support Services provides documentation for open work orders to the Accounting section each month for closing.
- Analyzed and closed all work orders for fiscal year 2001 and prior. Capitalized costs, adjusted depreciation, wrote off expenses for repairs and maintenance, and adjusted construction work in progress, as applicable.
- Capitalized design and survey costs for both past and present projects.
- Corrected past and present depreciation of AS400 upgrades, with a limit of a 2-year life.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Utility Plant, Continued

Finding No. 2004-19, Continued

- Removed from the fixed asset listing all items that were either retired or damaged beyond repair and developed an Asset Disposal Request Form for divisions to now report such items to Accounting.
- Reversed depreciation for idle assets such as the two Rota wastewater projects.
- Adjusted current and past depreciation for the Yanmar engine in Tinian.
- Changed policy in fiscal year 2002 to expense all small dollar items of \$1,000 or less. CUC continues to enter these items on the Fixed Asset Listing, but at zero cost. Items are added to the listing to assign responsibility and maintain accountability. Asset cost and other pertinent data for these items are entered as general comments only.
- Adjusted depreciation and record entries for the disposal of the three "containerized" Caterpillar engines in Saipan that are no longer operational.

Only two conditions reported in the agreed-upon procedures remain.

- There is a lack of adequate documentation to support the original capitalized costs for the four Power assets and the two Water assets mentioned in the report. These assets were apparently acquired at various times between 1990 and 1993. Therefore, the possibility of locating documentation at this time is minimal at best. Further, CUC is of the opinion that the capitalized costs are fairly stated. A review of prior audit reports for the periods during and subsequent to the capitalization of these assets did not disclose any related audit findings for the six assets in question. In addition, if the actual costs for these assets are determined later, CUC doubts that any adjustment to the recorded costs and accumulated depreciation would have a material affect on the amounts as reported in the financial statements.
- Waste Oil Incinerator that could not be located during the physical inventory is now under review. To date, CUC found that neither a change order was processed nor an agreement reached that eliminated the incinerator from the contract. CUC referred this matter to its legal counsel for further review and recommendation. This is an ongoing matter that CUC expects to resolve during the current fiscal year.

Regarding the conditions noted during the audit, CUC disagrees with the following:

- Printout of history for General Ledger (GL) 1117 and the related receiving report and record of fixed asset tags for the one item added during the year was provided to the auditor.
- Overhead costs were applied to Work Order No. 0300802, but not to Work Order No. 0201550. Regarding No. 0201550, it accounted for costs related to the repair of various fixed assets that were damaged by a typhoon. Of these costs, the Federal Emergency Management Agency (FEMA) reimbursed CUC for 75 percent of all eligible *direct* costs. Note that overhead costs normally charged to a CUC work order (25 percent of labor and materials) are not an allowable cost that is reimbursable by FEMA.
- General and subsidiary ledger balances for fixed assets were reconciled. Initial reconciliation was prepared in CUC format, which was in a usable format but was apparently unacceptable to the auditor. A second reconciliation was then prepared in Deloitte format and provided to its auditors.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Utility Plant, Continued

Finding No. 2004-19, Continued

However, CUC does agree that further action is required to resolve the following conditions, as reported:

- Not all supporting documents were located, which were requested by the auditors. This occurred because the respective CUC divisions did not provide these documents to the Fixed Asset Accountant. Accordingly, the Comptroller shall draft a directive to all divisions, signed by the Executive Director, that all Work Order files must contain sufficient documentary evidence to support all recorded costs. A list of required documents will be identified for each type of project and included with the directive.
- Detailed schedule of current year construction-in-progress (CIP) was not provided to auditors for their review. The CIP general and subsidiary ledger balances have not been reconciled. Currently, CUC is in the process of reconciling the two ledgers and, when completed, will be provided to the auditors.

Auditor Response: We acknowledge that CUC has a fixed asset module; however, the proper and effective use of the module would not have resulted in the many discrepancies and issues noted during our audit. Due to the lack of supporting documentation, non-reconciliation of accounts, lack of physical inventory and significant miscellaneous adjustments among others, we are unable to determine that discrepancies have been resolved.

Finding No. 2004-20

CUC agrees with the finding. CUC has solicited from local insurance companies for coverage for its fixed assets, but has not been able to find any insurance company that is willing to offer insurance coverage.

Payables

Finding No. 2004-21

CUC partially agrees with the finding. The reconciliation of accounts payable balances between the general ledger and subsidiary ledger was not available for review at the time of audit.

The accountant-in-charge for payables completed the reconciliation and is now available for review.

Capital Lease

Finding No. 2004-22

CUC disagrees with the finding. CUC believes that the guaranteed price of \$9,959,000 constitutes the fair value of the leased property. Any payment by CUC in excess of this amount constitutes financing costs. However, this amount may be subject to adjustment pending the resolution of the waste oil incinerator that could not be located, which is valued at \$510,000 (see Finding No. 2004-19). CUC expects the matter regarding the incinerator to be resolved during the current fiscal year. At that time, CUC will make whatever adjustments are necessary to the utility plant and obligations under capital lease.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Capital Lease, Continued
Finding No. 2004-22, Continued

Further, CUC does not agree that it needs to obtain an appraisal of the plant. The acquisition of the power plant underwent the scrutiny of the competitive procurement process in accordance with CUC Procurement Regulations. CUC issued a Request for Proposal and, after discussions with responsible offerors, awarded the project to the contractor that offered the most favorable price and terms that were available to CUC. Hence, the fair value was established at \$9,959,000.

Auditor Response: CUC had agreed to this finding as reported in fiscal years 2000 through 2003. CUC has determined that the payments made under the agreement are lease payments. To comply with FASB 13 and EITF No. 01-8, a determination of the actual cost of the plant and/or appraisal would be necessary. The amount stipulated in the contract does not necessarily indicate the actual cost or fair value of the asset.

Automated Data Processing
Finding No. 2004-23

CUC agrees with the finding. CUC's Electronic Data Processing (EDP) Department is working on the Disaster Recovery Plan and written Automated Data Processing (ADP) policies and procedures. CUC expects to complete them by the end of FY 2005.

Currently, the daily back-up files are stored in a fireproof vault at the EDP room. The AS/400 month end and yearend back-up tapes are kept at a local bank on Saipan (off-site storage). In case of disaster, critical software can be reloaded from these back-up tapes

Recovery of Labor Costs
Finding No. 2004-24

CUC agrees with the finding. CUC has tasked the Grants Section to review costs incurred by CUC on various federally funded construction projects. Requests for reimbursements from grantor agencies will be prepared to recover all CUC-funded expenditures particularly labor costs.

Board Minutes
Finding No. 2004-25

CUC agrees with the finding. CUC management has been told that all Board Minutes have been transcribed and are current. However, since the Board has not been able to meet in recent months due to the declaration of the State of Emergency, the minutes have not been ratified by the individual Board Members.

Local Noncompliance
Finding No. 2004-26

CUC disagrees with the finding. CUC strictly adheres to procurement policies and procedures. Quotes obtained from bidders (reference Contract No. CUC-EDP-02-C012) are on file. Documents were subsequently found and available for review.

Regarding one expenditure (reference 081803), CUC's Executive Director has recused herself from the selection of contractor due to conflict of interest. On August 22, 2004, the Board of Directors unanimously voted to approve the emergency procurement of the selection. A copy of board minutes for said date was forwarded to the auditors.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Financial Statement Findings, Continued

Local Noncompliance, Continued
Finding No. 2004-26, Continued

Auditor Response: CUC's response indicates that the price quotations were subsequently located and available for review. During our testing in November 2005, these documents could not be located. Further, in accordance with Section 3-105, emergency procurements require a written determination by the Executive Director prior to approval by the Board of Directors.

Finding No. 2004-27

CUC disagrees, in part, with the finding. CUC agrees that it has experienced delays in awarding contracts for recurring and continuing service requirements. However, CUC disagrees that the delays are necessarily beyond the control of the contracting offices and that procurement regulations should provide explicit policies governing the extension of these types of contracts. CUC management is of the opinion that the delays were caused by the contracting office's lack of established controls to monitor the expiration date for these type of contracts. Accordingly, CUC will direct the contracting offices to institute procedures to monitor the completion dates for all contracts for recurring and continuing service requirements.

In this regard, the contracting office shall identify all such contracts. A suspense date shall be established that is 6 months prior to the expiration date of the contract. On that date, the contracting office shall send a written notice of the expiration date to the appropriate division, with a copy to the Comptroller. The division shall respond, either positive or negative, as to whether CUC has a continuing need for those services. If positive, the division shall forward with the response those documents needed to initiate a procurement action for the additional services. If the division fails to respond within 10 working days, the contracting office shall send a second notice, with a copy to the Comptroller. The division shall respond within 5 working days of the second notice. If no response, the contracting office shall immediately notify the Comptroller, who will elevate the matter to the Executive Director. The contracting office shall be required to maintain a complete file of all such documents related to monitoring the expiration dates for all contracts with recurring and continuing service requirements

Regarding the two contracts cited, CUC believes that it was in the best interest of CUC to extend the contracts based on their renewal clauses. These services are required 24 hours per day, 7 days per week. CUC did not have the option to let the contracts expire, which would cause lapses in the services. CUC required the services of the mechanics to maintain a somewhat constant supply of electricity to its consumers. In addition, CUC required the services of the guards to comply with certain regulatory requirements imposed by the U.S. Coast Guard and the Homeland Security Act.

The abovementioned procedures should eliminate the condition noted. Nonetheless, CUC will consider revisiting the use of the renewal clause to determine if this issue should be addressed in the CUC procurement regulations.

Auditor Response: The condition states that CUC's procurement regulations do not explicitly provide for policies governing the extension of contracts for recurring and continuing service requirements. Therefore, contracts with options to renew are done so without regard to any established procurement process or procedure.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Federal Award Findings and Questioned Costs

Procurement and Suspension and Debarment
Finding No. 2004-28

Ref. Contract Nos. 250-OS, 214-OS, 173-OS, 144-OS for total questioned costs of \$477,826

CUC partially agrees with the findings.

As long as the contractor is within budgeted project cost and there is no revision in scope of work, CUC usually allows the contractor to continue work while the change order is being processed. The contractor is required to submit a letter addressed to the Executive Director to request for time extension to complete work. CUC project engineers evaluate reasons for time extension and recommends approval. Upon approval of the Executive Director, CUC grants extension and revises completion date by processing a change order. Contractors' requests for time extension and letters of approval from the CUC Executive Director are on file and are available for review.

Although there was no document supporting lifting of suspension of funds from DOI (Ref. 144-OS), DOI approved drawdowns again (after suspension of funds on February 21, 2003) on May 14, 2003.

Ref. Contract No. 265-OS for questioned cost of \$16,650

CUC disagrees with the finding.

In accordance to Section 3-103 of the CUC Procurement Regulations, original contract was procured through small purchase. Original contract amount is \$14,800 (below \$25,000). Subsequent change orders amounting to \$18,500 need not be done through competitive procedures. CUC believes this procedure would be unreasonable. Contractor justified additional scope of work necessary to complete the project. To ensure continuity, CUC maintained the existing project inspector/construction manager by granting him the change orders until completion of the project.

Ref. Contract No. 266-OS for questioned cost of \$148,000

CUC disagrees with the finding.

The bid proposal for the other bidder of contract in question was properly filed at the Procurement Office. Unfortunately, the Grants Office file did not include the bid proposal that the auditors were looking for. A copy of said bid proposal is available for review.

Ref. Contract No. 278-OS for questioned costs of \$12,702

CUC disagrees with the finding.

In accordance with Section 3-107 of the CUC Procurement Regulations, award shall be made to the offeror determined in writing by the Director to be the best qualified based on the evaluation factors set forth in the request for proposals and negotiations of compensation determined to be fair and reasonable. For this particular contract, a Sources Selection Committee was formed to evaluate the proposals submitted by five (5) A&E firms. The committee made a determination that the highest ranked proposer would be able to comply with the required performance schedule, qualified for the satisfactory performance record and record of integrity and business ethics, had the necessary organization, experience and skills and facilities to perform the scope of work required for the project. After ranking the proposers, CUC would approach the top-ranking proposer to submit cost proposal. Upon satisfying the committee's review of cost proposal, a recommendation for award is forwarded to the Executive Director for approval.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Federal Award Findings and Questioned Costs, Continued

Procurement and Suspension and Debarment, Continued
Finding No. 2004-28, Continued

The highest-ranked met the project's budgeted cost. Therefore, CUC believes that there is no reason for requesting for cost proposals from the second and third highest proposers. Per CUC regulations, if compensation cannot be agreed upon with the first-ranked contractor then negotiations will be formally terminated with the selected offeror. Negotiations may be conducted with second and third ranked contractors.

In this case, the second and third ranked contractors were not approached to submit cost proposals because the first ranked cost proposal was determined to be fair and reasonable.

Auditor Response: Allowing a contractor to initiate a project after the expiration of the terms results in the noncompliance with Section 5-103 of the CNMI Procurement Regulations. Further, CUC's response does not indicate whether the CNMI Government (grantor) approved the extension.

As stated in the criteria, governmental subrecipients of states shall use the same state policies and procedures used for procurements from non-federal funds. Since the questioned contracts are funded from DOI funds subgranted to CUC from the CNMI Government, CUC should be following the CNMI's procurement procedures.

Allowable Costs/Cost Principles
Finding No. 2004-29

CUC partially agrees with the finding.

FEMA reimbursed CUC for cost of materials during typhoon by using the assessment report prepared by CUC divisions. Unfortunately, CUC has not provided FEMA with actual cost of materials supported by purchase orders and corresponding invoices. CUC's inventory system uses moving average method. In the past, reimbursement requests to FEMA were prepared by the Comptroller's Office to ensure actual and overhead costs (e.g. material handling, storage, freight, etc.) were properly included in the CUC claim.

Warehouse Material Transaction (WMT) forms for PW 422 for total claim of \$20,254 are on file at the Grants Office and are now available for review. Due to relocation of CUC offices, these were misfiled and were not provided to the auditor.

Finding No. 2004-30

CUC disagrees with the finding.

Project Cost Summary for PW-238 (Typhoon Chaba) was on file at Grants Office. The document is available for review.

The related invoices and contracts for Power Division equipment rental for PW 52 amounting to \$14,772 were located and are now available for review.

Auditor Response: As indicated in CUC's response, the supporting documents are now available for review. The supporting documents were not available as of our test date in November 2005.

Corrective Action Plans to Questioned Costs and Findings, included in the Independent Auditors' Reports on Internal Control and Compliance for the Year Ended September 30, 2004, Continued

Federal Award Findings and Questioned Costs, Continued

Allowable Costs/Cost Principles, Continued
Finding No. 2004-31

CUC partially agrees with the finding.

FEMA's basis for reimbursement for CUC's labor costs for Typhoons Chaba and Tingting was CUC divisions' assessment report. The assessment report was prepared to estimate the labor cost the division would incur during and after restoration efforts after typhoon. In the past the CUC Comptroller's Office would prepare the report to support claim for labor costs incurred for typhoons. Actual hours worked would be supported by timecards and actual labor paid by copies of paychecks. Also, fringe benefits would be included in the actual labor cost report. The assessment report did not include fringe benefits. Since the assessment report was used to reimburse CUC, amount received by CUC did not represent the actual labor costs incurred.

To comply with FEMA requirements, CUC will prepare report on actual labor costs incurred during typhoon's emergency protective measures and restoration efforts and gather necessary documents to support claim. Should there be any difference between actual cost and reimbursement received from FEMA, CUC will payback or request for additional reimbursement.

Finding No. 2004-32

CUC partially agrees with the finding.

Using the same basis for labor and materials, FEMA reimbursed CUC for equipment charges shown on the assessment report prepared by CUC divisions. Unlike past reimbursement requests to FEMA where CUC would support equipment charges with actual hours of equipment operator as supported by timecard, overtime authorization and paycheck. In order to meet grantor agency's requirements, CUC will prepare report on actual equipment charges (equipment hours certified by supervisor) during typhoon's emergency protective measures and restoration efforts and support cost with necessary documents. Should there be any difference between actual cost and reimbursement received from FEMA, CUC will payback or request for additional reimbursement.

Equipment rates were approved by FEMA as evidenced by FEMA markings/slashes on the document submitted by CUC.

Proofs of ownership of equipment are on file and are now available for review.

Finding No. 2004-33

CUC disagrees with the finding.

CUC did not claim reimbursement for Guam Power Authority's (GPA) invoice no. 2779 in the amount of \$84,421 (under PW#421 of Typhoon Chaba). Due to CUC's, budgetary constraint and cash-flow problem, CUC was unable to pay GPA for the said invoice. Per CUC Executive Director letter to the Governor's Authorized Representative (GAR) dated May 9, 2005, CUC requested for an advance.

CUC's request for advance was granted on June 22, 2005 per letter from GAR to Secretary of Finance. Advance funds from GAR's office were received by CUC on August 19, 2005.

Auditor Response: The expenditures noted above were included in the Schedule of Expenditures of Federal Awards at September 30, 2005, indicating the expenditures have been claimed.

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Department of Public Lands

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2002
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent : 9/21/04, 2/15/05, 8/9/05, 3/13/06, 9/29/06, 2/6/07

Date(s) of response letter(s) received :

See pages 222 to 224 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

MARIANAS PUBLIC LANDS AUTHORITY
(A Private-Purpose Trust Fund)

Schedule of Findings
Year Ended September 30, 2002

Fund Balance

Finding No. 2002-1

Criteria: Expenditures should be recorded in the period the fund liability is incurred.

Condition: Specific reviews of nine contracts (nos. HSTDENG 2002-06T, HSTDENG 2002-01S, HSTDENG 2002-04S, HSTDENG 2002-02, HSTDENG L002-5R, 91-OS, 157-OS, 163-OS and 174-OS) disclosed the following matters:

- Billings are not reviewed to ensure that expenditures are recorded in the proper period. An audit adjustment was proposed to record \$93,600 in expenditures related to fiscal year 2002 for a program billing received and paid subsequent to September 30, 2002.

Cause: The cause of the above condition is unknown.

Effect: The effect of the above condition is the misstatement of liabilities, fund balance and expenditures.

Recommendation: We recommend that transactions be recorded in the proper period.

Prior Year Status: Improper recording of transactions and encumbrances was reported as a finding in the audit of MPLA for fiscal year 2001.

Auditee Response and Corrective Action Plan: We agreed with this finding. Controls and procedures have been implemented in the accounting system to detect and prevent any unrecorded liability at the end of the fiscal year.

MARIANAS PUBLIC LANDS AUTHORITY
(A Private-Purpose Trust Fund)

Schedule of Findings, Continued
Year Ended September 30, 2002

Receivables

Finding No. 2002-2

Criteria: Receivables should be monitored on a regular basis to determine collectibility.

Condition: As of September 30, 2002, recorded receivables were as follows:

Leases	\$ 3,406,106
Late fees	7,223,174
Royalties	3,002,241
Commercial permits	251,520
Temporary	268,926
Other	<u>553,353</u>
	\$ <u>14,705,320</u>

Our audit included an analysis of MPLA's past due receivables to determine the propriety of the allowance for doubtful accounts. MPLA's allowance account amounted to \$12,979,209 or 88% of total receivables. Based on our tests of collectibility, an audit adjustment was proposed to increase the allowance account by \$931,641. The significant increase in the allowance relates to late fees assessed for unpaid balances from terminated leases and slow to non-moving accounts.

Cause: The cause of the above condition is the lack of policies and procedures requiring the review and monitoring of overdue accounts on a monthly basis and the preparation of an aged accounts receivable report.

Effect: The effect of the above condition is the possibility of a misstatement of receivable balances.

Recommendation: We recommend that the Marianas Public Lands Authority review receivable balances and forward overdue accounts to legal counsel for collection in a timely manner, and consider a policy of not accruing late fees on terminated or non-moving account balances for external reporting purposes while continue doing so, if deemed necessary, for internal reporting purposes.

Prior Year Status: Lack of monitoring procedures requiring review and monitoring of overdue accounts was reported as a finding in the Single Audits of the CNMI for fiscal years 1998 through 2000 and in the audit of MPLA for fiscal year 2001.

Auditee Response and Corrective Action Plan: We agreed with this finding. Controls and procedures have been implemented in the accounting system to minimize the level of outstanding accounts receivable.

MARIANAS PUBLIC LANDS AUTHORITY
(A Private-Purpose Trust Fund)

Schedule of Findings, Continued
Year Ended September 30, 2002

Local Noncompliance

Finding No. 2002-3

Criteria: Public Law No. 11-64 imposes a landing fee on passengers who disembark on Managaha Island. In accordance with the enabling legislation, these funds are to be made available for appropriation by the Saipan and Northern Islands legislative delegation without limitation.

Condition: As of September 30, 2002, MPLA has recorded a liability relating to landing fees collected, totaling \$1,162,892, which have not yet been remitted to the Secretary of Finance for deposit into a special subaccount.

Cause: The cause of the above condition is unknown.

Effect: The effect of the above condition is noncompliance with Public Law No. 11-64.

Recommendation: We recommend that MPLA obtain a legal counsel opinion on the disposition of such fees.

Prior Year Status: Noncompliance as set forth in the condition was reported as a finding in the Single Audit of the CNMI for fiscal year 2000 and in the audit of MPLA for fiscal year 2001.

Auditee Response and Corrective Action Plan: We agreed with this finding. As soon as we determine the nature of the disposition of funds, the issue of ownership to the funds would immediately clear this audit finding.

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2005
Conducted By: Deloitte.**

Date(s) of follow-up letter(s) sent : 2/6/07

Date(s) of response letter(s) received :

See pages 226 to 242 for recommendations issued by the Independent Auditor and pages 19 to 22 for NMC's Corrective Action Plans to Finding and Questioned Costs. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

NORTHERN MARIANAS COLLEGE
Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

Section II - Financial Statement Findings

Fixed Assets

Finding No. 2005-1

Criteria: The College should maintain property records detailing the description, cost, acquisition date and estimated useful life of its fixed assets. Such records should agree to the balances recorded in the College's financial statements. Additionally, periodic physical inventories of all fixed assets should be performed and accounting records updated accordingly.

Condition: A physical inventory of the College's fixed assets has not been performed within the past two years. Additionally, the College was unable to produce a schedule of fixed assets as of September 30, 2005, and original cost data or alternative valuation data is not available.

Cause: The cause of the above condition is non-adherence to the College's established fixed assets capitalization policy and a lack of adequate fixed assets subsidiary records.

Effect: The effect of the above condition is potential misstatement of amounts recorded in the College's financial statements.

Recommendation: We recommend that the College institute procedures to substantially identify and determine the cost of its fixed assets. Once valuation and identity have been established, we recommend that the College reconcile the balance of actual fixed assets on hand to the balance of assets recorded in its financial statements.

Prior Year Status: Lack of support of recorded fixed assets and periodic inventory of fixed assets was reported as a finding in the audits of the College for fiscal years 2001 through 2004.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Receivables

Finding No. 2005-2

Criteria: Receivables should be periodically assessed for validity and collectibility. Additionally, through this process, the adequacy of the allowance for doubtful accounts should be assessed and collection efforts pursued.

Condition: Numerous account balances have been outstanding for several fiscal years with little or no subsequent activity.

Cause: The cause of the above condition is that supporting documents for these long outstanding balances could not be located.

Effect: The effect of the above condition is that the College's receivables are not being collected in a timely manner. Further, the interim financial statements are misstated due to a lack of adequate provision for doubtful receivables.

Recommendation: We recommend that the College implement procedures requiring periodic review of all receivable balances for validity and collectibility. Accounts determined to be uncollectible should be written-off. This process should also address the adequacy of the related allowances for doubtful accounts.

Prior Year Status: Lack of review of receivable balances for validity and collectibility was reported as a finding in the audits of the College for fiscal years 2001 through 2004.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Investments

Finding No. 2005-3

Criteria: Investments should be recorded at fair value and investment activities should be accounted for in the general ledger.

Condition: The College did not record investment activities in the general ledger totalling \$402,899. Additionally, the December 2004 investment statement was not made available.

Cause: The cause of the above condition is lack of adequate personnel to perform record keeping and inadequate file maintenance.

Effect: The effect of the above condition is possible misstatement of investment balances. An audit adjustment was proposed to correct this condition.

Recommendation: We recommend that the College record investment activities in the general ledger and properly file investment documents.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Accrued Leave

Finding No. 2005-4

Criteria: The accrued leave subsidiary schedule should be reconciled to the general ledger in a timely manner.

Condition: The accrued leave subsidiary schedule was not reconciled to the general ledger balance resulting in an overstatement of accrued annual leave of \$203,033.

Cause: The cause of the above condition is adjustments to accrued leave are only made at calendar year end.

Effect: The effect of the above condition is the misstatement of the accrued annual leave liability. An audit adjustment was proposed to correct this condition.

Recommendation: We recommend that the College's accrued annual leave schedule be reconciled to the general ledger in a timely manner.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Net Assets

Finding No. 2005-5

Criteria: Beginning net asset accounts should be reconciled to reflect adjusted balances of the prior year.

Condition: Beginning balances of net asset accounts did not reconcile to audited balances of the prior year by \$393,727.

Cause: The cause of the above condition is that prior year audit adjustments were not recorded.

Effect: The effect of the above condition is the misstatement of net asset accounts. An audit adjustment was proposed to correct this condition.

Recommendation: We recommend that net asset accounts be reconciled to reflect audited balances.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Expenses

Finding No. 2005-6

Criteria: Expenses should be recorded in the period incurred.

Condition: The College recorded CNMI contributions net of a 1% fee withheld to fund the Office of the Public Auditor (OPA). Additionally, a utility subsidy received from the CNMI Government amounting to \$534,735 was not recorded in the general ledger. As these costs represent operating costs, they should be recorded in the College's financial statements.

Cause: The cause of the above condition is untimely reconciliation and recording of transactions and appropriations received from the CNMI government.

Effect: The effect of the above condition is the misstatement of revenues and expenses. Audit adjustments were proposed to correct these conditions.

Recommendation: We recommend that the College record the 1% fee withheld to fund OPA and record the utility subsidy received from CNMI Government.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Information System

Finding No. 2005-7

Criteria: An established information system is recommended for all large organizations.

Condition: Our review of the College's information system noted the following:

- Network management system software is unsupported.
- Domain security structure is not in place.
- A Disaster Recovery Plan or written security manual is not cataloged.
- A data dictionary is not cataloged.
- An offsite storage for back-up files is not in place.

Cause: The cause of the above condition is the lack of policies and procedures regarding the College's information system.

Effect: The effect of the above condition is the potential inability of the College's information system department to recover from a disaster and resume operations in a reasonable time frame, which could result in loss of critical data, revenue and lead to customer service and public relations concerns.

Recommendation: We recommend that the College find alternate network management system software; establish a domain security structure; review the need to document in writing its disaster recovery plan, security manual and data dictionary; and maintain an offsite storage for daily back-up files.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Section III - Federal Award Findings and Questioned Costs

U.S. Department of Education

Cash Management - Adult Education - State Grant Program, TRIO Programs and Higher Education Institutional Aid

CFDA #s 84.002, 84.042, 84.044, 84.047 and 84.031, Federal Award #s V002A040055, P047A030695-04 and P031A020233-04

Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-8

Criteria: The *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (the Common Rule) states: "Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making the disbursements."

Condition: For nine of forty-four samples tested, disbursement checks were released and cleared from five to fifty-eight days after cash was received from the grantor agency, as follows:

<u>Fund Code</u>	<u>Check #</u>	<u>Drawdown Amount</u>	<u>Cash Receipts Date</u>	<u>Check Clearance Date</u>	<u>Days Elapsed</u>
EA304	16125	\$ 5,190	12/02/04	12/27/04	22
ETR05	17493	\$ 8,400	04/06/05	06/06/05	58
EA204	17991	\$ 5,188	05/11/05	05/19/05	5
EA204	17633	\$ 2,964	04/07/05	04/28/05	18
EA204	17633	\$ 2,627	04/07/05	04/28/05	18
ETS05	19044	\$ 22,575	09/06/05	09/12/05	6
ETS05	17994	\$ 1,864	05/11/05	05/20/05	9
ESI05	16760	\$ 21,664	01/24/05	02/07/05	11
ESI05	18340	\$ 7,692	06/10/05	07/01/05	18

Cause: The cause of the above condition is that the College appears to have overestimated its check clearing pattern and is drawing the cash prior to the actual check clearance at the bank. However, we did not find any evidence of checks being held by the College.

Effect: The effect of the above condition is noncompliance with federal cash management requirements. However, no questioned costs result from the condition as the estimated interest liability to the grantor agency is less than \$10,000.

Recommendation: We recommend that the College should update its check clearing study and should draw down from the federal government in accordance with that study.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture

Cash Management - Cooperative Extension Services, Payments to Agricultural Experiment Stations Under the Hatch Act

CFDA #10.500 and 10.203, Federal Award #s 411000570002 and 41100057005 and 311000609505

Federal Award Periods 10/01/01 - 09/30/02 and 10/01/04 - 09/30/05

Finding No. 2005-9

Criteria: The *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (the Common Rule) states: "Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making the disbursements."

Condition: For five of fifty samples tested, disbursement checks were released and cleared from five to forty nine days after cash was received from the grantor agency, as follows:

<u>Fund Code</u>	<u>Check #</u>	<u>Expense Tested</u>	<u>Check Clearance Date</u>	<u>Drawdown Date</u>	<u>Days Lapsed</u>
AB105	18920	\$ 4,000	08/09/05	08/04/05	5
AD504	19083	\$ 2,000	09/21/05	09/09/05	12
AB105	18832	\$ 1,000	09/08/05	07/21/05	49
AR105	19300	\$ 2,734	10/11/05	09/30/05	11
AR104	18748	\$ 398	08/03/05	07/18/05	16

Cause: The cause of the above condition is that the College appears to have overestimated its check clearing pattern and is drawing the cash prior to the actual check clearance at the bank. However, we did not find any evidence of checks being held by the College.

Effect: The effect of the above condition is noncompliance with federal cash management requirements. However, no questioned costs result from the condition as the estimated interest liability to the grantor agency is less than \$10,000.

Recommendation: We recommend that the College should update its check clearing study and should draw down from the federal government in accordance with that study.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Equipment and Real Property Management - All Federal Programs

Finding No. 2005-10

Criteria: Section 74.34 of 34 CFR 74, *Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, requires grant recipients to maintain property management records and to perform a physical inventory of equipment at least once every two years.

Condition: Property management records are not maintained. Furthermore, a physical inventory of equipment has not been taken within the past two years.

Cause: The cause of the above condition is a lack of established policies and procedures related to equipment and real property management.

Effect: The effect of the above condition is noncompliance with federal property management standards.

Recommendation: We recommend that the College establish policies and procedures to ensure compliance with federal property management standards.

Prior Year Status: Noncompliance with federal property management standards was reported as a finding in the audits of the College for fiscal years 2001 through 2004.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

Procurement and Suspension and Debarment - All Federal Programs

Finding No. 2005-11

Criteria: Federal regulations state that small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than the simplified threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

Condition: Price or rate comparisons are not being documented for airfares.

Cause: The cause of the above condition is the lack of an established policy with regards to procurement of airfare.

Effect: The effect of the above condition is non-compliance with federal procurement regulations.

Recommendation: We recommend that quotes be obtained for airfare or that travel agents be procured through a request for proposal (RFP).

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Agriculture

Reporting - Cooperative Extension Services

CFDA #10.500, Federal Award #s 411000570004, 415100570004, 415310570004, 41540057000, 411000570005, 151500570005 and 415310570005

Federal Award Periods 10/01/03 - 09/30/04 and 10/01/04 - 09/30/05

Finding No. 2005-12

Criteria: The College is required to submit SF 269 and SF 272, financial reports that should be supported by applicable accounting records and presented in accordance with program requirements.

Condition: The College did not submit the SF 269 form during the fiscal year, and thus we were unable to determine if the report is in agreement with financial records of the College.

Cause: The cause of non-submittal of form SF 269 is due to lack of qualified personnel.

Effect: The effect of the above condition is noncompliance with reporting requirements.

Recommendation: We recommend that reports be submitted when due and be supported by applicable accounting records.

NORTHERN MARIANAS COLLEGE

Schedule of Findings and Questioned Costs, Continued
Year Ended September 30, 2005

U.S. Department of Education
Reporting - Adult Education - State Grant Program
CFDA # 84.002, Federal Award # V002A040055
Federal Award Period 10/01/04 - 09/30/05

Finding No. 2005-13

Criteria: The ABE program allows the College to report its financial operations annually. Per OMB A-110 and CFR 34, Part 80, sec80.40, the initial report for 15 months and the final report for 27 months (funds are available for obligation for 27 months) after initiation of the program are due 90 days after year end.

Condition: The SF-269 (Financial Status Report) for the year ended September 30, 2005 was not submitted as of the report deadline of December 31, 2005, and thus we were unable to determine if the report is in agreement with financial records of the College.

Cause: The cause of the above condition is lack of management oversight and review.

Effect: The effect of the above condition is noncompliance with terms and conditions of the grant.

Recommendation: We recommend that control policies and procedures be implemented to ensure that federal financial reporting requirements are complied with.

Financial Statement Findings Section

Fixed Assets

Finding No. 2005-1

The College concurs with the finding. Although a physical inventory of the fixed assets commenced in FY2004 and continued into FY2005, the lack of adequate financial resources precluded the College in procuring the services of a professional appraiser to appraise its real properties. Additionally, funding for the purchase of the fixed asset module was requested from the College's Planning, Budget and Evaluation Council. Once again funding constraints prevented this body from making funds available for such purposes in FY2004 and 2005. Although funding was set aside for this purpose in FY2006, such was cut in an effort to address a budget shortfall in FY2006. Should the necessary funding be identified for this purpose in the FY2007 budget, the College expects to resolve this condition in FY2007.

Receivables

Finding No. 2005-2

The College concurs with the finding. The College has accumulated numerous large receivable balances over the years for which there has been little to no subsequent collection activity. The College feels however that it has adequately reserved for these balances. The College has already referred several of these balances to attorneys and collection agencies for further action. The College is of the opinion that there is still potential for recovery on some of these balances and as such is reluctant to write such off. The College however will increase its efforts to collect these balances and periodically review such for the adequacy of related allowances. The College Administration will ensure that items deemed uncollectible will be brought to the Board of Regents for consideration for write-off.

Investments

Finding No. 2005-3

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately as the existing accounting staff are already overwhelmed with day to day operations and as such recording of various adjustments to the financial statements were not effected during the course of the financial year and rather deferred to adjustment through the annual audit process. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such.

Accrued Leave
Finding No. 2005-4

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately as the existing accounting staff are already overwhelmed with day to day operations and as such recording of various adjustments to the financial statements were not effected during the course of the financial year and rather deferred to adjustment through the annual audit process. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such. The College also has made a concerted effort to reduce its annual leave liability by ensuring that such obligations, where allowable by policy, were paid down as much as possible. In fact, beginning in FY2004, the College started budgeting for such payouts and has substantially reduced such obligations. As a matter of practice and for tracking purposes, such payouts are recorded as expenses and adjusted against the accruals at financial year end.

Net Assets
Finding No. 2005-5

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately as the existing accounting staff are already overwhelmed with day to day operations and as such recording of various adjustments to the financial statements were not effected during the course of the financial year and rather deferred to adjustment through the annual audit process. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such.

Expenses
Finding No. 2005-6

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately as the existing accounting staff are already overwhelmed with day to day operations and as such recording of various adjustments to the financial statements were not effected during the course of the financial year and rather deferred to adjustment through the annual audit process. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such.

Information System
Finding No. 2005-7

The College concurs with this finding. The need for us to address the noted deficiencies in our information systems area has been a point of discussion at both the Administration and the Board level. Once again freezing of various positions in this area has contributed to the finding and we will continue to work to address the finding.

Federal Award Findings and Questioned Costs Section

Cash Management Finding No. 2005-8

The College strongly disagrees with this finding. The College ensures that all cash drawdowns are disbursed in accordance with the federal cash management guidelines. The College has no control over when the vendors clear their checks through the banks. A cut-off test of the checks on hand will clearly evidence that checks are disbursed to the vendors in a timely manner. The cashier, upon receipt of the check from accounts payable, promptly calls the vendors for pick up. If the vendor does not pick such up and does not bank the check in a timely manner the College cannot be held responsible. Further, certain off island vendors, as a natural consequence of our remote location, will not be able to bank their checks until received through the postal system. Again, the College has no control over such timing.

Finding No. 2005-9

The College strongly disagrees with this finding. The College ensures that all cash drawdowns are disbursed in accordance with the federal cash management guidelines. The College has no control over when the vendors clear their checks through the banks. A cut-off test of the checks on hand will clearly evidence that checks are disbursed to the vendors in a timely manner. The cashier, upon receipt of the check from accounts payable, promptly calls the vendors for pick up. If the vendor does not pick such up and does not bank the check in a timely manner the College cannot be held responsible. Further, certain off island vendors, as a natural consequence of our remote location, will not be able to bank their checks until received through the postal system. Again, the College has no control over such timing.

Equipment and Real Property Management - All Federal Programs Finding No. 2005-10

The College concurs with the finding. Although a physical inventory of the fixed assets commenced in FY2004 and continued into FY2005, the lack of adequate financial resources precluded the College in procuring the services of a professional appraiser to appraise its real properties. Additionally, funding for the purchase of the fixed asset module was requested from the College's Planning, Budget and Evaluation Council. Once again funding constraints prevented this body from making funds available for such purposes in FY2004 and 2005. Although funding was set aside for this purpose in FY2006, such was cut in an effort to address a budget shortfall in FY2006. Should the necessary funding be identified for this purpose in the FY2007 budget, the College expects to resolve this condition in FY2007.

Procurement and Suspension and Debarment - All Federal Programs Finding No. 2005-11

The College strongly disagrees with this finding. There is limited pool of travel agents available on the island and the carriers which service the island, especially to the mainland where the bulk of the College travel is made, are limited to two. The College makes every efforts to ensure that all travel is distributed among the available travel agencies and every effort is made to ensure that the College receives the lowest "fully refundable" fare available to the destination. The College is at a loss as to what other efforts it needs to make to meet the auditor's concern.

Reporting

Finding No. 2005-12

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately the existing accounting staff are already overwhelmed with day to day operations. The College federal accountant retired in December 2005 and federal reports due as of that date (which covered the financial year ended September 30, 2005) were delayed as such position remained vacant until May 2006. In spite of our best efforts to cover this void, due to already inadequate staffing levels in the office and lack of experience of existing staff on federal financial reporting requirements, various federal financial reports were delayed. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such.

Finding No. 2005-13

The College concurs with the finding. The College due to the various challenges in personnel funding was forced to freeze various positions resulting in additional duties being assumed by existing personnel. Unfortunately the existing accounting staff are already overwhelmed with day to day operations. The College federal accountant retired in December 2005 and federal reports due as of that date (which covered the financial year ended September 30, 2005) were delayed as such position remained vacant until May 2006. In spite of our best efforts to cover this void, due to already inadequate staffing levels in the office and lack of experience of existing staff on federal financial reporting requirements, various federal financial reports were delayed. This will continue to be a challenge until such time that staffing levels are increased to meet the needs and demands of the office. In fact staffing levels were further reduced in the Finance office in FY2006 which is bound to have further negative repercussions on the operations of this office. This issue will be brought to the attention of the College's President and the Board of Regents and we will work collaboratively to address such.

Northern Mariana Islands Retirement Fund

**Annual Financial & Compliance Audit
In Accordance with OMB-A-I33
Fiscal Year Ended September 30, 2006
Conducted By: J. Scott Magliari & Company**

Date(s) of follow-up letter(s) sent :

Date(s) of response letter(s) received :

See pages 244 to 246 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

NORTHERN MARIANA ISLANDS RETIREMENT FUND
(A Component Unit of the CNMI Government)

Schedule of Findings
September 30, 2006

SECTION II - FINANCIAL STATEMENT FINDINGS

Finding No. 2006-1 Reconciliation of subsidiary ledgers with the general ledger balances

Criteria

Regular reconciliation of subsidiary ledgers with the general ledger balances should be performed to ensure that subsidiary ledgers totals agree with the general ledger balances.

Condition

The following totals subsidiary ledgers does not agree with the general ledger balances:

	<u>Per General Ledger</u>	<u>Per Subsidiary Ledger</u>	<u>Difference</u>
Appropriations receivable	\$ 15,026,333	\$ 11,894,019	\$(3,132,314)
Member Home Loan Program			
notes receivable	7,673,245	7,962,571	(289,326)
30% Early retirement			
receivable - CNMI			
(employee)	2,847,611	2,857,615	(10,004)
Buyback receivable	691,434	696,796	(5,362)
Underpayment of contribution	426,857	450,629	(23,772)
30% Early retirement			
receivable - individuals	276,802	278,007	(1,205)
Overpayment of Benefit	187,582	188,010	(428)
Rental receivable	166,233	229,606	(63,373)
Board member receivable	10,429	4,184	6,245
Employee receivable	1,166	2,070	(904)

Context

Audit procedures performed for receivables in accordance with accounting principles generally accepted in the United States in America and Government Auditing Standards.

Effect

Although NMIRF have identified the reason for the significant differences as items posted directly in the general ledger through general journal entries and I have audited the balances and noted no material misstatement, untimely reconciliation of general ledgers and subsidiary ledgers opens opportunity for balances to be misstated and not be detected on a timely basis.

Cause

NMIRF overlooked the need to conduct regular reconciliation of receivable accounts.

Recommendation

Although the material discrepancies were reconciled during my audit, I recommend that regular reconciliations be done to ensure that totals of subsidiary ledgers agree with the general ledger balances.

NORTHERN MARIANA ISLANDS RETIREMENT FUND
(A Component Unit of the CNMI Government)

Schedule of Findings
September 30, 2006

SECTION II - FINANCIAL STATEMENT FINDINGS, continued

Finding No. 2006-2 Underpayment of Contribution

Criteria

Based on the plan provision as established by Public Law 6-17, Class II members who are active employees of the CNMI government contribute 9% of salary.

Condition

Receivables from certain individual members for underpayment of contributions increased from \$228,824 in 2005 to \$426,856 in 2006 (a \$198,033 or 87% increase).

Receivables from underpayment of contributions arises when a Class II member, who is required to contribute 9% of gross salary to the Fund, only contributes 6.5% which is the require contribution for as a Class I member. Usually the assessment for underpayment is only done when members retire, and relevant information such as year of service is computed.

Furthermore, the majority of the balances of the underpayment of contribution are non-moving. This is because the Fund cannot directly deduct payment from the retirement benefits without signed allotments.

Context

Audit procedures performed for receivables in accordance with accounting principles generally accepted in the United States in America and Government Auditing Standards.

Effect

The above condition results to increase in receivable balances that for which collectibility is uncertain. Furthermore, since there are no monitoring and detection controls in place, there could be other underpayments of contributions by active member that are not yet detected.

Cause

NMIRF does not have any monitoring control to ensure that members are contributing the proper percentage based on their class.

Recommendation

NMIRF should have a monitoring control in place to ensure that members are contributing the proper percentage.

Furthermore, to ensure collectibility of receivables from retirees, NMIRF should require retiring members to personally come to the NMIRF office to sign all necessary documents, including allotment authorization, if any before their first pension payout is released.

NORTHERN MARIANA ISLANDS RETIREMENT FUND
(A Component Unit of the CNMI Government)

Schedule of Findings
September 30, 2006

SECTION II - FINANCIAL STATEMENT FINDINGS, continued

Finding No. 2006-3 Overpayment of Benefit

Criteria

Based on the plan provision as established by Public Law 6-17, benefit payment of retiree who returns to government service for more than 60 days shall be terminated.

Condition

Receivable due from certain individual members for overpayment of benefits increased from \$92,621 in 2005 to \$187,581 in 2006 (a \$94,960 or 103% increase). This shows benefit payments to some retirees, who returned to government service for more than 60 days, was not terminated in time resulting to overpayments.

Furthermore, the majority of the balances of the overpayment of benefit are non-moving. This is because the Fund can not directly deduct payment from the retirement benefits without signed allotments.

Context

Audit procedures performed for receivables in accordance with accounting principles generally accepted in the United States in America and Government Auditing Standards.

Effect

Collectibility of receivable from overpayment of benefits is uncertain as most retirees who received the overpayment believe that it was administrative oversight on the part of the Fund's management and that they should not be held liable for such. Furthermore, since there are no monitoring and detection controls in place, there could be other overpayments of benefits that are not yet detected.

Cause

NMIRF does not have monitoring control, policies and procedures in place to ensure that there are no overpayments of benefits.

Recommendation

NMIRF should implement monitoring control, policies and procedures in place to ensure that there are no overpayments of benefits.

Furthermore, to ensure collectibility of receivables from retirees, NMIRF should require retiring members to personally come to the NMIRF office to sign all necessary documents, including allotment authorization, if any before their first pension payout is released.

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2005
Conducted By: J. Scott Magliari & Company**

Date(s) of follow-up letter(s) sent : 9/28/06, 2/2/07 (Magliari re: PSS response), 2/7/07
Date(s) of response letter(s) received : 1/8/07

See pages 248 to 271 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Deposit Policy for Credit and Custodial Risk

Finding No. 05-1

Criteria

PSS adopted budgets on local funds and they must ensure that unused funds already remitted to PSS are safeguarded from risk. Among this risk is credit risk for uninsured portion of deposits in banks.

Condition

As of September 30, 2005 and 2004, the total amounts deposited with the Federal Deposit Insurance Corporation (FDIC) insured banks were \$4,511,540 and \$2,914,758, respectively. From these deposits, \$ 727,467 in 2005 and \$522,562 in 2004 were subject to coverage by FDIC with the remaining balance exceeding insurable limits. PSS does not require collateralization of bank accounts, and therefore, amounts in excess of insurable limits are uncollateralized.

Context

Audit procedures performed for Cash in accordance with Government Auditing Standards.

Effect

Lack of collateral for deposits beyond FDIC insured limits exposes bank deposits to credit risk. The risk that PSS may not collect all of its deposits.

Cause

PSS has not experienced any losses on its deposits, thus have not established policies regarding requiring collateral for uninsured deposits.

Recommendation

PSS should develop deposit policies which includes requiring collateral from banks for deposits beyond FDIC insured limits.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will require collateralization from financial institutions in which there are deposits exceeding federally insured limit effective by end of fiscal year 2006.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Procurement Regulations

Finding No. 05-2

Criteria

Actual purchases of government activities for goods and services must be through a “before-the-fact” approved small emergency purchase order for purchases not exceeding \$2,500, purchase requisition for purchases over \$2,500 to \$10,000, or contract for purchases over \$10,000.

Condition

PSS did not comply with the PSS procurement regulation (PSSPR), as follows:

- a. Two purchase requisitions issued for similar printing service to a single service provider amounting to \$4,600 and \$9,188 is in violation PSSPR 2-105 that address splitting contracts to avoid bidding.
- b. Accreditation service provided to PSS for \$22,607 without approved contract. Although the provider is a sole-source provider, a contract should be executed before actual service is provided.

Context

Examined sample contracts from the listing of contracts and reviewed the account ledgers of each vendor and computed the total services procured in FY 2005.

Effect

The effect of the above condition is non-compliance of the PSS procurement regulation, a violation of the applicable state laws and regulations and federal requirements.

Cause

- a. Due to the understanding that the fees are within the small purchases limit, PSS failed to recognize the need to execute a contract on this type of purchase.
- b. The contract amount cannot be determined since amounts paid will be based on actual reimbursement, thus no contract was executed before the service was provided.

Recommendation

In order to comply with PSS procurement laws and regulations, I recommend that a contract be executed on these kinds of purchases.

Auditee Response and Corrective Action Plan

PSS concurs. For both instances, PSS has issued memorandum to concerned employees regarding violation of PSSPR. These memorandum states that consequence for repeat unauthorized procurements includes being held personally liable for the value of the purchase, suspension from work with or without pay, or dismissal from employment.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Travel Advances

Finding No. 05-3

Criteria

Pursuant to PSS Regulation 3430, section C (8), within CNMI travel requests shall be submitted to the Commissioner no later than 5 working days prior to the travel date. Out of CNMI travel requests shall be submitted to the Commissioner or the Chairperson of the Board of Education, as appropriate, no later than 10 working days prior to commencement of travel, except for extenuating circumstances.

Condition

The following were noted during the audit of travel advances:

- a. Three (3) or 15% of the twenty (20) travel authorization tested were not dated.
- b. Five (5) or 20% of the twenty (20) travel authorization tested were not submitted within the prescribed period.

Context

Based on the risk assessment made and the planning materiality computed, test of internal control was performed over travel advances. Attributes were identified based on the approved travel policies of PSS. Randomly selected 20 individuals who traveled during the year and examined the supporting documents in accordance with the policies of PSS.

Effect

Failure to make a strict implementation of the travel policies results to unauthorized travels, disallowed costs, significant bad debts and non-compliance with the applicable state laws and federal regulations.

Cause

PSS did not adhere to its established policies and procedures on travel.

Recommendation

Travel authorization and other accountable documents must be properly filled out to facilitate processing.

Although PSS' policy provide that extenuating or justifying circumstances may waive the 5-10 working days lead-time for submission of travel advances, our audit showed that PSS does not document the justification for waiving the lead time. To ensure that this prerogative of the Commissioner to waive the lead-time is not abused or misused, extenuating circumstances should be documented and attached to the approved travel authorization.

Prior Year Status

The above condition was cited as a finding in the Single Audit of fiscal year 2004.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Travel Advances, Continued

Finding No. 05-3, Continued

Auditee Response and Corrective Action Plan

PSS concurs. PSS will strictly enforce its established policies and procedures.

PSS prepared a proposed administrative change in the travel policy to ensure compliance with the applicable state laws and federal regulations. Upon approval this policy by beginning of fiscal year 2007, this shall be strictly enforced.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Travel Advances, Continued

Finding No. 05-4

Criteria

Pursuant to PSS Regulation 3420, section C (10), travel advances shall not be issued if there is an outstanding voucher or if an outstanding expense by the traveler has not been verified. Exceptions to this rule may be made at the discretion of the Commissioner or the Chairperson of the Board, as appropriate.

Condition

Twelve or 60% of the twenty (20) travel authorizations, travel advance were issued to travelers with unliquidated travel advance.

Context

Based on the risk assessment made and the planning materiality computed, test of internal control was performed over travel advances. Attributes were identified based on the approved travel policies of PSS. Randomly selected 20 individuals who traveled during the year and examined the supporting documents in accordance with the policies of PSS.

Effect

Failure to make a strict implementation of the travel policies results to significant bad debts and high outstanding advances balance.

Cause

PSS did not adhere to its established policies and procedures on travel.

Recommendation

PSS should strictly implement Regulation 3430, Section G (9) that is to deduct from salaries, honorarium or next travel advance, as applicable, any unliquidated travel advances.

There should also be monitoring to ensure that Commissioner is made aware of any outstanding travel advance before the new travel advance is approved, because Commissioner's signature on the travel advance means that the Commissioner is excepting the traveler from the provision of Regulation 3430, section G (9) by exercising the Commissioner's discretion as allowed by section C (10).

Prior Year Status

The above condition was cited as a finding in the Single Audit of fiscal year 2004.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will strictly enforce its established policies and procedures. PSS prepared a proposed administrative change in the travel policy to ensure compliance with the applicable state laws and federal regulations. Upon approval this policy beginning of fiscal year 2007, this shall be strictly enforced.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Travel Advances, Continued

Finding No. 05-5

Criteria

Pursuant to PSS Regulation 3420, section G (1), travelers must file a travel voucher with supporting documentation within fifteen (15) working days upon completion of travel. Travelers who fail to meet this deadline will forfeit the remaining ten percent of the cost of travel. Travelers who fail to submit travel vouchers and supporting documentation will be subject to payroll deduction of the entire amount of the advance.

Condition

The following were noted during the audit of travel advances:

- a. For ten (10) or 50% of twenty (20), travel authorizations tested, the travel advance liquidations are either not yet liquidated or were not on file.
- b. 2 out of the 10 who submitted do not have complete supporting documents and 1 submitted after 15 working days upon completion of the travel.

Context

Based on the risk assessment made and the planning materiality computed, test of internal control was performed over travel advances. Attributes were identified based on the approved travel policies of PSS. Randomly selected 20 individuals who traveled during the year and examined the supporting documents in accordance with the policies of PSS.

Effect

Failure to make a strict implementation of the travel policies results to significant bad debts and high outstanding advances balance.

Cause

PSS did not adhere to its established policies and procedures on travel.

Recommendation

PSS should enforce timely liquidation of travel advances. Upon travel, PSS uses local funding to provide travel advances and they can only charge corresponding federal grants upon liquidation. The outstanding travel advances were not quantified to determine how much should be billed to federal grants upon liquidation; however, PSS cannot afford to tie-up local funds in receivables.

Prior Year Status

The above condition was cited as a finding in the Single Audit of fiscal year 2004.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Travel Advances, Continued

Finding No. 05-5, Continued

Auditee Response and Corrective Action Plan

PSS concurs. PSS will strictly enforce its established policies and procedures.

PSS prepared a proposed administrative change in the travel policy to ensure compliance with the applicable state laws and federal regulations. Upon approval this policy beginning of fiscal year 2007, this shall be strictly enforced.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Completeness of Recorded Cafeteria Collection

Finding No. 05-6

Criteria

Internal control over cash should be in place and implemented to ensure complete and timely recording of cash receipts and related revenue.

Condition

There no internal control policies and procedures in place to ensure that cafeteria collections were remitted to PSS central treasurer on time.

Saipan Southern High

Cash Count	Total	Date	No. of
<u>Date</u>	<u>Collections</u>	<u>Submitted</u>	<u>weeks late</u>
10/04 – 10/08/04	\$ 848.00	10/19/04	1 week
10/12 – 10/15/04	710.75	10/25/04	1 week
08/24 – 08/26/05	312.50	09/16/05	2 weeks
08/29 – 08/30/05	<u>43.00</u>	09/16/05	2 weeks
Sub-total	<u>1,914.25</u>		

Kagman High School

Cash Count	Total	Date	No. of
<u>Date</u>	<u>Collections</u>	<u>Submitted</u>	<u>weeks late</u>
09/12 – 09/16/05	<u>1,025.50</u>	09/27/05	1 week
Sub-total	<u>1,025.50</u>		

Marianas High School

Cash Count	Total	Date	No. of
<u>Date</u>	<u>Collections</u>	<u>Submitted</u>	<u>weeks late</u>
05/10 – 05/14/04	\$ 1,493.25	10/18/04	22 weeks
05/18 – 05/21/04	1,257.30	10/18/04	21 weeks
05/24 – 05/28/04	1,402.25	10/18/04	20 weeks
06/01 – 06/02/04	414.00	10/18/04	19 weeks
09/22 – 09/24/04	1,141.25	10/19/04	5 weeks
04/07 – 04/08/05	816.50	09/06/05	21 weeks
08/23 – 08/26/05	<u>1,499.22</u>	09/06/05	1 week
Sub-total	<u>8,023.77</u>		
Total	<u>\$ 10,963.52</u>		

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Completeness of Recorded Cafeteria Collection, Continued

Finding No. 05-6

Context

Based on auditor's judgment, randomly selected the months of October 2004 and September 2005 for the conduct of audit procedures for program income compliance requirement.

Effect

The lack of monitoring controls to detect unremitted collections resulted to untimely submission of the food court collections that could imply that resources were used for other purposes than what is in accordance with the program requirements, as stated in A-102 Common Rule and OMB-Circular A-110. Such condition could result in a questioned cost for PSS.

Cause

The cause of this condition is the central cashier prepares receipts based solely on actual remittance made. No summary is prepared to ensure that all collections are remitted.

Recommendation

PSS should develop controls to ensure timely and complete remittance of cafeteria collections. A control log per school should be prepared and the person who remits the collection should sign-off beside each school week the date the collections were remitted to central cashier. Based on that log the Treasurer may make timely follow-up to each school that has not yet remitted their collections.

Prior Year Status

The above condition was cited as a finding in the Single Audit of fiscal year 2004.

Auditee Response and Corrective Action Plan

PSS concurs. PSS already started implementing monitoring control stated above to ensure that all collections are completely and timely remitted to the central treasurer.

PSS will hire a Food Court Coordinator, under the supervision of the Food and Nutrition Services (FNS) Administrator, whose main responsibilities is to submit to PSS Treasurer all monies collected at the school level to ensure that policy is strictly followed. He will also be responsible for matching the collections to the food court report submitted by each school to the FNS department.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Disposal of Fixed Assets

Finding No. 05-7

Criteria

The fixed asset ledger maintained at the Central Office must match the appropriate records of all custodians of the fixed assets.

Condition

The physical count of fixed assets acquired before fiscal year 2005 resulted to the following variance to fixed assets ledger.

	<u>Per Books</u>	<u>Per Count</u>	<u>Difference</u>
Vehicles			
Acquisition costs	\$ 3,515,292	\$ 2,379,889	\$ 1,135,403
Accumulated depreciation	(3,062,204)	(1,926,801)	(1,135,403)
Net Book Value	<u>453,088</u>	<u>453,088</u>	<u>-</u>
Others			
Acquisition costs	1,650,378	1,032,318	618,060
Accumulated depreciation	(1,376,959)	(758,899)	(618,060)
Net Book Value	<u>273,419</u>	<u>273,419</u>	<u>-</u>
Total	<u>\$ 726,507</u>	<u>\$ 726,507</u>	<u>\$ -</u>

Although most of these disposed assets were surveyed and recommended for scrapping, there were no certifications that the said surveyed items have been destroyed, and the tags of these disposed assets were not properly accounted for. The aforementioned requirements are part of PSS' procedure of survey and disposal of PSS properties as per policy 5410.

Cause

The cause of the above condition is that the disposal policy was not properly communicated to the newly hired fixed assets custodian.

Context

Audit procedures performed for capital assets and capital expenditures in accordance with Government Auditing Standards.

Effect

Since there are no records as to how and when these differences were incurred, there is possibility that these may have been lost due to theft or unauthorized use.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Disposal of Fixed Assets, Continued

Finding No. 05-7

Recommendation

PSS should adhere to its procedures on survey and disposal of PSS properties. Disposals should all be properly documented and updated in the fixed assets ledger. Proper documentation should also be forwarded to fiscal and budget to ensure that corresponding gains or losses from disposal are recorded.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will implement its assets disposal policy and ensure that all subsequent disposals are documented and are communicated to all responsible officials.

PSS will ensure that fixed assets listing will be timely updated for all disposals.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Acquisitions of Fixed Assets

Finding No. 05-8

Criteria

Pursuant to PSS policy, all fixed assets should be tagged and identified as PSS property and that the fixed assets ledger shall include proper identification as Federal or Local.

Condition

Five (5) assets acquired in fiscal year 2005 were not included in the fixed asset listing from fixed assets custodian. Since such acquisitions were not included in the fixed assets listing, it is probable that such were neither tagged nor assigned property numbers.

Cause

The cause of the above condition is lack of adherence to the internal control system that facilitates the fixed assets inventory management of PSS. There was insufficient coordination between the Procurement and Fiscal & Budget Office to ensure that appropriate records agree.

Context

Audit procedures performed for capital assets and capital expenditures in accordance with Government Auditing Standards.

Effect

Failure to maintain a property card of a specific fixed asset implies that such asset was not tagged and identified as PSS property. This could result in a possible unauthorized use or disposal of the asset.

Recommendation

PSS should adhere to the approved policies and procedures on property inventory and management.

Prior Year Status

The above condition was cited as a finding in the Single Audit of fiscal year 2004.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will ensure that all acquisitions above \$5,000 are recorded in the fixed assets listing, assigned property number and tagged. PSS Fiscal and Budget will regularly reconcile with property custodian under procurement and supply to ensure that all additions are properly accounted for.

For the assets identified above, PSS will locate these items and have them tagged and shown to the auditor by fiscal 2006 audit.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Employment Contract

Finding No. 05-9

Criteria

Pursuant to PSS regulation for employment of certified and non-certified personnel, in no event shall any applicant be requested to travel from the point of recruitment to the CNMI to begin employment without the Human Resources Officer (HRO) having in possession a fully executed employment contract. Nor shall any applicant be requested to commence working without the HRO first having a fully executed employment contract with that individual.

Condition

Based on results of audit procedures performed with respect to employee contracts, the following were noted:

- a. For seven (7) or 28% of the twenty-five (25) employee files examined, no employment contract was on file.
- b. Three (3) of the eighteen (18) with employment contract on file were not signed by the employees while two (2) have incomplete contracts.
- c. For two (2) of the twenty-five (25) employee files examined, the rate paid does not agree to the latest documentation on file. For both instances the most recent contract was not on file

Cause

The cause of the above condition is lack of administrative will of the Human Resources Department to pursue employees who have not signed their contract. Furthermore, they do not have monitoring in place to trace the routing of employment contracts to prevent missing contracts.

Context

Audit procedures performed for payroll disbursement to agree rates paid to amounts in the contract.

Effect

The effect of the above condition is non-compliance of the PSS personnel regulation, a violation of the applicable state laws and regulations and federal requirements. Furthermore, failure to maintain updated fully executed contract may result to difference between agreed rates and actual rates paid.

Recommendation

PSS should adhere to the approved policies and procedures on employment of personnel.

Auditee Response and Corrective Action Plan

PSS concurs. PSS through the Human Resources Department will develop a monitoring system to ensure that all employment contracts are fully signed before their effectively.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Timecards

Finding No. 05-10

Criteria

Pursuant to PSS Employee Regulations, an employee must attend work during the hours assigned by his or her supervisor. Generally, these hours will be from 7:30 AM to 11:30 AM and 12:30 PM to 4:30 PM, Monday through Friday. Timekeepers are responsible to ensure availability of accurate data concerning the time and attendance of employees.

Condition

The current practice of PSS for the employees' time-in and time-out is the use of a bundy clock and the following were noted.

- a. Eleven (11) or 44% of twenty-five (25) personnel examined have manual inputs on their timecards, of these only two have manual inputs that are signed by timekeepers.
- b. Five (5) or 20% of twenty-five (25) personnel examined uses manual timesheets instead of bundy clock.
- c. Timecards for two (2) or 8% of twenty-five (25) personnel chosen were not provided and timecards covering the wrong period were provided for two (2) or 8% of the twenty-five (25).

Cause

The common practice of PSS on the use of bundy clock demonstrates the existence of a control or system on payroll. However, there is no specific policy that would serve as a basic guideline for PSS to properly implement stringent controls on employee time-in and time-out procedures.

Context

The conduct of test of internal control over payroll includes review of the source document of payroll disbursement, which is the time card.

Effect

Lack of specific policies on the time-in and time-out of employees constitutes a weakness in the internal control over payroll.

Recommendation

PSS should develop written policies and procedures that would serve as basic guidelines for PSS to properly implement controls on payroll and other related matters.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will issue a memorandum on the use of bundy clocks, emphasizing that manual input must be countersigned by timekeepers and the reason for manual input should be properly documented and supported if necessary.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION II – FINANCIAL STATEMENT FINDINGS

Tardiness

Finding No. 05-11

Criteria

Pursuant to PSS Employee Regulations, PSS will allow up to ten minutes of tardiness each week. Any time in excess of ten minutes per week shall be charged to absent without leave (AWOL) by the timekeeper.

Condition

For 4 out of 25 (16%) of timecards examined, they had tardiness in excess of 10 minutes per week but was not charged to AWOL in accordance with the above regulations.

Cause

The cause of this condition is unknown.

Context

The conduct of test of internal control over payroll includes review of the source document of payroll disbursement, which is the time card.

Effect

Lack of adherence to specific policies on the time-in and time-out of employees constitutes a weakness in the internal control over payroll.

Recommendation

PSS should adhere to its policy on tardiness. If needed, the memorandum issued last September 16, 1998 pertaining to implementation of 7:30 am attendance should be reissued with more emphasis on tardiness.

Auditee Response and Corrective Action Plan

PSS concurs. PSS will issue a memorandum to all employees regarding tardiness and a memorandum to all timekeepers on their responsibility to ensure availability of accurate data concerning the time and attendance of employees.

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Program Income – Food and Nutrition Services

Finding No. 05-12

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
10.555	<p><u>Criteria</u> Program income derived from this federal award represents proceeds from the sale of reduced price meals being served to some selected schools. One of the policies and procedures of PSS on food court collections at the school level is to submit all collections received to the PSS Treasurer on a weekly basis.</p> <p><u>Condition</u> Three (3) schools were identified to be not in compliance with the above-mentioned policy. These are summarized in financial statements finding No. 05-6</p> <p><u>Context</u> Based on auditor’s judgment, randomly selected the months of October 2004 and September 2005 for the conduct of audit procedures for program income compliance requirement.</p> <p><u>Effect</u> Untimely submission of the food court collections could imply that resources were used for other purposes than what is in accordance with the program requirements, as stated in A-102 Common Rule and OMB-Circular A-110. Such condition could result in a questioned cost for PSS.</p> <p><u>Cause</u> Despite the continued efforts of the Fiscal & Budget Office to ensure that this policy is strictly followed, management oversight and enforcement was not strict enough to properly implement the stated policy.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Program Income – Food and Nutrition Services, Continued

Finding No. 05-12, Continued

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Cost</u>
10.555	<p><u>Recommendation</u> PSS should strictly enforce that food court collections be submitted on time to avoid citation of non-adherence to the approved policies and procedures of PSS and federal regulations.</p> <p><u>Prior Year Status</u> The above condition was cited as a finding in the Single Audit of fiscal year 2004.</p> <p><u>Auditee Response and Corrective Action Plan</u> PSS concurs. PSS will hire a Food Court Coordinator, under the supervision of the FNS Administrator, whose main responsibilities is to submit to PSS Treasurer all monies collected at the school level to ensure that policy is strictly followed. He will also be responsible for matching the collections to the food court report submitted by each school to the FNS department.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Special Tests and Provisions – Head Start Program

Finding No. 05-13

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
92.600	<p><u>Criteria</u> Pursuant to 45 CFR section 1306.30c, the facilities used by Early Head start and Head Start grantees for regularly scheduled center-based and combination program option classroom activities or home-based group socialization activities must comply with applicable State and local requirements concerning licensing.</p> <p>The local licensing requirements applicable to Headstart are:</p> <ol style="list-style-type: none">1. Fire Safety Inspection from the Department of Public Safety.2. Facilities Inspection by the Bureau of Environmental Health. <p><u>Condition</u></p> <ol style="list-style-type: none">a. Two (2) of seven (7) or 29% Head Start centers in Saipan not inspected for fire safety.b. Two (2) of seven (7) or 29% Head Start centers in Saipan not inspected for facilities inspection. <p><u>Context</u> Reviewed the Program’s contract and grant agreements and referenced laws and regulations. Identified additional compliance requirements and developed specific audit objective and audit procedures for the special test and provision compliance requirement, which could be material to the program. Obtained copies of the inspections made by the Department of Public Safety and Bureau of Environmental Health.</p> <p><u>Effect</u> The effect of the above condition is that all Headstart centers may be regarded as not yet fully licensed to operate. This is a non-compliance with the federal requirements.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Special Tests and Provisions – Head Start Program, Continued

Finding No. 05-13, Continued

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
93.600	<p><u>Cause</u> The cause of this condition is that PSS failed to follow-up and coordinate the required inspection of Headstart facilities with the concerned agencies.</p> <p><u>Recommendation</u> Although all Headstart centers received Certificate of Occupancy, PSS should still ensure that all Headstart centers be properly inspected to ensure that the centers are in compliance with the local and federal requirements.</p> <p><u>Prior Year Status</u> The above condition was cited as a finding in the Single Audit of fiscal year 2004.</p> <p><u>Auditee Response and Corrective Action Plan</u> PSS concurs. Head Start Policy Council and Board of Education through the Headstart Director who will recommend that Head Start centers not be opened in August unless the proper health and safety inspections have been performed.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Special Tests and Provisions – Head Start Program

Finding No. 05-14

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
93.600	<p><u>Criteria:</u> In accordance with 45 CFR section 1306.30c, grantees must comply with applicable State and local requirements concerning licensing. One of the requirements includes an approved fire safety inspection from the Department of Public Safety.</p> <p><u>Condition:</u> a. One (1) of the five (5) facilities inspected was disapproved. b. One (1) of the four (4) approved facilities was only conditionally approved.</p> <p><u>Context</u> Reviewed the program’s contract and grant agreements and referenced laws and regulations. Identified additional compliance requirements and developed specific audit objective and audit procedures for the special test and provision compliance requirement, which could be material to the program. Reviewed and examined the inspection reports to verify compliance with the local licensing requirement.</p> <p><u>Effect</u> The effect of the above condition is that Headstart centers may be hazardous for the children and expose them to possible accidents or danger. This is non-compliance with the local and federal requirements.</p> <p><u>Cause</u> The cause of this condition is unknown.</p> <p><u>Recommendation</u> PSS should ensure that all Headstart facilities meet the fire safety standard requirements of the Department of Public Safety to avoid any potential accident and liability.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Special Tests and Provisions -- Head Start Program, Continued

Finding No. 05-14, Continued

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
93.600	<p>Prior Year Status The above condition was cited as a finding in the Single Audit of fiscal year 2004.</p> <p><u>Auditee Response and Corrective Action Plan</u> PSS concurs. Head Start Policy Council and Board of Education through the Headstart Director who will recommend that Head Start centers not be opened in August unless the proper fire inspections have been performed.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Equipment and Real Property Management – All major programs

Finding No. 05-15

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
All	<p>Criteria</p> <p>OMB Circular A-102 requires grantees to comply with the following terms for equipment purchased with federal funds:</p> <ol style="list-style-type: none">1. Maintain property records that include a description of the property; a serial number of other identification number; the source of the property, who holds title; the acquisition date; cost of the property; percentage of federal participation in the cost of the property; the location; use and condition of the property; and any ultimate disposition data including the date of disposal and sale price of the property.2. Conduct a physical inventory of the property and reconcile that with the property records at least once every two years.3. Develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property, and investigate any loss, damage, or theft.4. Develop adequate maintenance procedures to keep the property in good condition. <p><u>Condition</u></p> <p>In FY 2005, PSS failed to reconcile the property records with the fixed assets ledger maintained in the Central Office.</p> <p>PSS failed to maintain a documentation that would prove that adequate safeguards and maintenance procedures on PSS' federally funded assets were carried out in compliance with the federal property management standards.</p> <p>This is related to findings Nos. 05-7 and 05-8.</p>	\$ -

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Equipment and Real Property Management – All major programs, Continued

Finding No. 05-15, Continued

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
All	<p>Context The conduct of audit procedures for compliance testing requirement of Equipment and Real Property Management in accordance with OMB Circular A-133 includes the following:</p> <ol style="list-style-type: none">1. Inquired if a required physical inventory of fixed assets acquired under Federal awards was taken within the last two years. Test whether any differences between the physical inventory and equipment records were resolved.2. Selected assets acquired during the audit period and traced them to property records. Verified that property records contain the required information or description about the equipment.3. Selected a number of assets identified and made physically inspection.	\$ -
	<p><u>Effect</u> The effect of the above condition is that PSS is not in compliance with the terms for equipment purchased with federal funds as stated in the OMB circular A-102.</p>	
	<p><u>Cause</u> The cause of the above condition is failure to strictly enforce the existing internal control system over fixed assets.</p>	
	<p><u>Recommendation</u> I recommend that PSS comply with the federal property management standards.</p>	

PUBLIC SCHOOL SYSTEM

Schedule of Findings and Questioned Costs
Year Ended September 30, 2005

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

Equipment and Real Property Management – All major programs, Continued

Finding No. 05-15, Continued

<u>CFDA No.</u>	<u>Findings/Noncompliance</u>	<u>Questioned Costs</u>
All	<p><u>Prior Year Status</u> The above condition was cited as a finding in the Single Audit of fiscal year 2004.</p> <p><u>Auditee Response and Corrective Action Plan</u> PSS concurs. To facilitate the timely reconciliation of fixed assets listing maintained by the property custodian and the fixed assets ledger maintained by Fiscal and Budget, PSS will ensure that procurement and supply strictly implement its fixed assets acquisition and disposal policy, and communicate timely to the Fiscal and Budget all fixed assets movements.</p>	\$ -
	Total Questioned Costs	<u>\$ -</u>

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Workers' Compensation Commission

**Annual Financial & Compliance Audit
In Accordance with OMB-A-133
Fiscal Year Ended September 30, 2006
Conducted By: J. Scott Magliari & Company**

Date(s) of follow-up letter(s) sent :

Date(s) of response letter(s) received :

See pages 274 and 275 for recommendations issued by the Independent Auditor. These pages were included in the Independent Auditors Report. For audit tracking purposes, OPA assigned new page numbers to these pages and therefore they do not correspond with the page numbers in the original report.

CNMI WORKERS' COMPENSATION COMMISSION
(A Component Unit of the CNMI Government)

Schedule of Findings
September 30, 2006

SECTION II - FINANCIAL STATEMENT FINDINGS

Finding No. 2006-1 No Subsidiary Ledger for Outstanding Notice of Assessments

Criteria

Regular reconciliation of subsidiary ledgers with the general ledger should be performed to ensure that subsidiary ledgers totals agree with the general ledger balance.

Condition

I noted that there are no subsidiary ledgers maintained per company for the receivables from outstanding notice of assessments. WCC only prepares a listing of notices per case number and does not summarize per employer, thus no regular statement per employer can be generated and sent out to facilitate collection. As of September 30, 2006, the outstanding notice of assessments includes receivable over 5 year overdue amounting to \$240,282.18.

Furthermore, general ledger balance of outstanding notice of assessments does not agree with the total per summary of outstanding notice of assessments.

Per general ledger before adjustments	\$ 1,290,876.61
Per summary before adjustments	<u>1,133,821.18</u>
Difference	<u>\$ 157,055.43</u>

Context

Audit procedures performed for receivables in accordance with accounting principles generally accepted in the United States of America and Government Auditing Standards.

Effect

Unreconciled balances may result to misstatement occurring and not be detected on a timely manner. Furthermore, receivable with significant non-moving account balances are indication of potential fraud.

Cause

There are no monitoring policies and procedures in place to prevent fraud and misstatement from occurring and not be detected in a timely manner.

Recommendation

I recommend that an aging schedule per employer and monthly statement of outstanding assessments be prepared to serve as basis for the investigation of possible errors and the scrutinizing and investigation of accounts, which may become doubtful of collection.

To improve accounts receivable collection, I recommend that the following steps be considered:

- Periodically review the aged trial balance and send letter to customers with balances over 90 days old. Follow up with a phone call if payment is not received by a specified period after the letter is sent. If the cause appears to be financial difficulty, attempt to work out a plan for receiving a regular partial payment until the balance is paid up.

CNMI WORKERS' COMPENSATION COMMISSION
(A Component Unit of the CNMI Government)

Schedule of Findings
September 30, 2006

- Offer a discount for payment received within a specified period of time. The cost of the discount may be more than offset by resulting accelerated receipts and reduced bad debts.

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Acronyms Used

ADP	Automated Data Processing
AGIU	Attorney General's Investigative Unit
AGO	Office of the Attorney General
APV	Accounts Payable Voucher
AR	Audit Report
AWOL	Absent Without Leave
BMPLA	Board of Marianas Public Lands Authority
BOT	Board of Trustees
CALEA	Commission on Accreditation for Law Enforcement Agencies, Incorporated
CDA	Commonwealth Development Authority
CFDA	Catalog of Federal Domestic Assistance
CGECU	Commonwealth Government Employees Credit Union
CHC	Commonwealth Health Center
CI Fund	Confidential Informant Fund
CIB	Criminal Investigations Bureau
CIP	Capital Improvement Projects
CMC	Commonwealth Code
CMIA	Cash Management Improvement Act
CMS-64	Quarterly Statement of Expenditures for the Medical Assistance Program
CNMI	Commonwealth of the Northern Mariana Islands
CNMI-PR	Commonwealth of the Northern Mariana Islands Procurement Regulations
CO	Change Orders
COC	Chain of Custody
CPA	Certified Public Accountant
CPA	Commonwealth Ports Authority
CSC	Civil Service Commission
CSI	Crime Scene Investigation
CST	Crime Scene Technician
CUC	Commonwealth Utilities Corporation
DEQ	Division of Environmental Quality
DFW	Division of Fish and Wildlife
DLI	Department of Labor and Immigration
DLNR	Department of Lands & Natural Resources
DOC	Department of Commerce
DOF	Department of Finance
DOI	Department of the Interior
DOL	Department of Labor
DOLI	Department of Labor and Immigration
DPH	Department of Public Health
DPL	Division of Public Lands
DPS	Department of Public Safety
EDP	Electronic Data Processing
EITF	Emerging Issues Task Force
FAR	Federal Acquisition Regulations
FASB	Financial Accounting Standards Board
FBI	Federal Bureau of Investigations
FDIC	Federal Deposit Insurance Corporation
FEMA	Federal Emergency Management Agency

FLSA	Fair Labor Standards Act
FMS	Financial Management System
FNS	Food & Nutrition Services
FTE	Full Time Employment
FY	Fiscal Year
GASB	Government Accounting Standards Board
GHI	Government Health Insurance
GOV	Office of the Governor
GPD	Guam Police Department
HPD	Honolulu Police Department
HRO	Human Resources Officer
HRPP	Human Resources Policies and Procedures
HUD	U.S. Department of Housing and Urban Development
LT	Letter Report
MHLO	Marianas Hawaii Liaison Office
MOU	Memorandum of Understanding
MPLA	Marianas Public Lands Authority
MPLC	Marianas Public Land Corporation
MPLT	Marianas Public Land Trust
MQR	Minimum Qualification Requirement
MRO	Marianas Referral Office
MRPRR	Medical Referral Program Rules and Regulations
MVA	Marianas Visitors Authority
NAP	Nutrition Assistance Program
NEG	National Emergency Grant
NIMO	Northern Islands Mayor's Office
NMC	Northern Marianas College
NMHC	Northern Marianas Housing Corporation
NMIRF	Northern Mariana Islands Retirement Fund
OMB	Office of Management and Budget
OPA	Office of the Public Auditor
OPL	Office of Public Lands
OPM	Office of Personnel Management
P.L.	Public Law
P&S	Procurement & Supply
PAO	Public Assistance Office
PIEI	Pacific Islands Education Initiative
PO	Purchase Order
PPE	Pay Period Ended
PPR	Procurement & Personnel Regulations
PR	Purchase Requisition
PSS	Public School System
PSSPR	Public School System Procurement Regulation
PSSRR	Personnel Service System Rules and Regulations
PTO	Paid Time-off
PV	Payment Voucher
R&R	Retailer & Redemption
RFP	Request for Proposals
RHC	Rota Health Center
RIF	Reductions-in-force
RMO	Rota Mayor's Office
SBDC	Small Business Development Center
SF	Standard Form
SFA	Schedule of Expenditures of Federal Awards

SOP	Standard Operating Procedures
TA	Travel Authorization
TCGCC	Tinian Casino Gaming Control Commission
TMO	Tinian Mayor's Office
TRIO	Educational Opportunity for Low-Income and Disabled Americans
TV	Travel Voucher
US	United States
WASC	Western Association for Schools and Colleges
WCC	Workers' Compensation Commission
WIA	Workforce Investment Agency
WRO	Washington Representative's Office

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