



COUNTY AUDITOR
Fort Bend County, Texas

10-26-10
AGENDA ITEM

11A

Robert Ed Sturdivant
County Auditor

281-341-3769, 281-341-3744 (fax)
sturdived@co.fort-bend.tx.us

Memo

To: Donna Ospina, Agenda Coordinator
County Judge Bob Hebert
Members of Commissioner's Court

From: Shelley Mays, Auditor's Office *SM*

Date: 10/12/2010

Re: Asset Forfeiture Report Audit

This memo shall serve as a notification that the staff of the Fort Bend County Auditor's Office has audited the Asset Forfeiture Reporting documents submitted by the Fort Bend County Constable Pct. 2 (State) and recommends approval for submission to the appropriate state agency.

Respectfully submitted,

Shelley Mays
Internal Auditor
281-341-8621

William B. Travis Building, 301 Jackson St., Suite 533, Richmond, Texas 77469

10-27-10 copy received

**FY 2010
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name:	<u>Fort Bend County Constable, Pct. 2</u>	Reporting Period: (local fiscal year)	<u>10/01/2009-9/30/2010</u>
Agency Mailing Address:	<u>303 Texas Parkway #124 Missouri City, Texas 77489</u>	example:	01/01/10 to 12/31/10, 09/01/09 to 08/31/10 etc.
Phone Number:	<u>(281) 403-8019</u>		
County:	<u>Fort Bend</u>		
Email Address:	<u>shelley.Mays@co.fort-bend .tx.us</u>	This should be a permanent agency email address	

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

A)	Beginning Balance..... Instructions: Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account.	-0-
		\$ <u> </u>
B)	Seizures During Reporting Period: Instructions: Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.	
	1) Amount seized and retained in your agency's custody.....	-0-
	2) Amount seized and transferred to the District Attorney pending forfeiture.....	-0-
C)	Amount Returned to Defendants/Respondents (If seized funds are returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary).....	-0-
D)	Ending Balance Instructions: Add lines A and B(1), subtract line C, put total in line D.	-0-

II. FORFEITED FUNDS

A)	Beginning Balance..... Instructions: Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	3,167.37
		\$ <u> </u>
B)	Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period Instructions: Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.	-0-
		\$ <u> </u>

C)	Interest Earned on Forfeited Funds During Reporting Period..... Instructions: Enter amount of interest earned on funds in your agency's forfeiture account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	\$ 31.83
D)	Proceeds Received by Your Agency From Sale of Forfeited Property..... Instructions: Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.	\$ -0-
E)	Total Expenditures of Forfeited Funds During Reporting Period..... Instructions: From Total on Section VI.	\$ -0-
F)	Ending Balance..... Instructions: Add lines A through D, subtract line E, place total in line F.	\$ 3,199.20

III. OTHER PROPERTY

Instructions: List the number of items seized for the following categories. Include only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	NA			
2) REAL PROPERTY (Count each parcel seized as one item)	NA			
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	NA			
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	NA			
5) Other Property - Description: _____	NA			
Other Property -Description: _____	NA			
Other Property -Description: _____	NA			

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Instructions: Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A)	Motor Vehicles (the number of vehicles, not a currency amount).....	-0-
B)	Real Property (the number of separate parcels of property, not a currency amount).....	-0-
C)	Computers (the number of computers, not a currency amount).....	-0-
D)	Firearms (the number of firearms, not a currency amount)	-0-
E)	Other (the number of items, not a currency amount)	-0-

V. FORFEITED PROPERTY TRANSFERRED TO ANOTHER AGENCY

Instructions: Enter the total number of items transferred from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A)	Motor Vehicles (the number of vehicles, not a currency amount).....	-0-
B)	Real Property (the number of separate parcels of property, not a currency amount).....	-0-
C)	Computers (the number of computers, not a currency amount).....	-0-
D)	Firearms (the number of firearms, not a currency amount)	-0-
E)	Other (the number of items, not a currency amount)	-0-

VI. EXPENDITURES

Instructions: This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes** - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

A)	Total Salaries Paid out of Chapter 59 Funds.....	\$ -0-
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements).....	\$ -0-
2.	Salary Budgeted Solely From Forfeited Funds.....	\$ -0-
3.	Number of employees Paid Using Forfeiture Funds	-0-
B)	Total Overtime Paid out of Chapter 59 Funds	\$ -0-
1.	For employees Budgeted by Governing Body.....	\$ -0-
2.	For Employees Budgeted Solely out of Forfeiture Funds.....	\$ -0-
3.	Number of employees Paid Using Forfeiture Funds.....	-0-
C)	Total Equipment Paid for with Chapter 59 Funds.....	\$ -0-
1.	Vehicles.....	\$ -0-
2.	Computers.....	\$ -0-
3.	Firearms, Vests, Personal Equipment	\$ -0-

	4.	Furniture.....	\$ -0-
	5.	Software.....	\$ -0-
	6.	Maintenance Costs.....	\$ -0-
	7.	Uniforms.....	\$ -0-
	8.	K9 Related Costs	\$ -0-
	9.	Other (Provide Detail on Additional Sheet).....	\$ -0-
D)		Total Supplies Paid Out of Chapter 59 Funds	\$ -0-
	1.	Office Supplies	\$ -0-
	2.	Cellular Air Time	\$ -0-
	3.	Internet	\$ -0-
	4.	Other (Provide Detail on Additional Sheet).....	\$ -0-
E)		Total Travel Paid Out of Chapter 59 Funds.....	\$ -0-
	1.	In State Travel	
		a) Hotel	\$ -0-
		b) Air Fare	\$ -0-
		c) Meals (including per diem)	\$ -0-
		d) Car Rental	\$ -0-
	2.	Out of State Travel	
		a) Hotel	\$ -0-
		b) Air Fare	\$ -0-
		c) Meals (including per diem)	\$ -0-
		d) Car Rental	\$ -0-
	3.	Fuel	\$ -0-
	4.	Parking	\$ -0-
	5.	Other (Provide Detail on Additional Sheet).....	\$ -0-
F)		Total Training Paid Out of Chapter 59 Funds.....	\$ -0-
	1.	Fees (Conferences, Seminars)	\$ -0-
	2.	Materials (Books, CDs, Videos, etc.)	\$ -0-
	3.	Other (Provide Detail on Additional Sheet).....	\$ -0-
G)		Total Investigative Costs Paid Out of Chapter 59 Funds	\$ -0-
	1.	Informant Costs	\$ -0-
	2.	Buy Money	\$ -0-
	3.	Lab Expenses	\$ -0-
	4.	Other (Provide Detail on Additional Sheet).....	\$ -0-

H)	Total Prevention / Treatment Programs / Financial Assistance (pursuant to Articles 59.06 (h), (l), (j), (n)).....	\$ -0-
I)	Total Facility Costs Paid Out of Chapter 59 Funds.....	\$ -0-
	1. Building Purchase	\$ -0-
	2. Lease Payments	\$ -0-
	3. Remodeling	\$ -0-
	4. Maintenance Costs	\$ -0-
	5. Utilities	\$ -0-
	6. Other (Provide Detail on Additional Sheet).....	\$ -0-
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds.....	\$ -0-
	1. Court Costs	\$ -0-
	2. Filing Fees	\$ -0-
	3. Insurance	\$ -0-
	4. Witness Fees	\$ -0-
	5. Audit Costs and Fees	\$ -0-
	6. Other (Provide Detail on Additional Sheet).....	\$ -0-
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report).....	\$ -0-
L)	TOTAL EXPENDITURES.....	\$ -0-

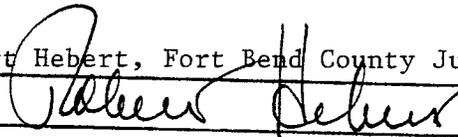
NOTE: BOTH CERTIFICATIONS NEED TO BE COMPLETED, unless your agency is not governed by a Commissioner's Court or City Council. Then only the Agency Head Certification needs to be completed.

CERTIFICATION

COUNTY JUDGE or MAYOR
(Printed Name):

Robert Hebert, Fort Bend County Judge

SIGNATURE:



DATE:

10-26-2010

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

SWORN TO AND SUBSCRIBED before me this 26 day of October, 2010.



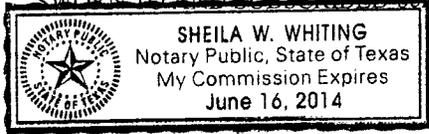
D'Neal Krisch
Notary Public in and for the State of Texas

CERTIFICATION

AGENCY HEAD (Printed Name): Ruben Davis
SIGNATURE: *Ruben Davis*
DATE: October 12, 2010

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

SWORN TO AND SUBSCRIBED before me this 12 day of Oct, 2010.



 Sheila W. Whiting (Sheila W. Whiting)
Notary Public in and for the State of Texas

RETURN COMPLETED FORM TO: Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)936-1348
FAX (512)494-8283
E-mail: kent.richardson@oag.state.tx.us