

COLLIN COUNTY, TEXAS,

Plaintiff

v.

COLLIN COUNTY AUDITOR,

Defendant

THE DISTRICT COURT

COLLIN COUNTY, TEXAS

COLLIN COUNTY AUDITOR,

Counter-Plaintiff

--and--

DONALD W. COZAD, individually,

Intervenor

v.

COLLIN COUNTY, TEXAS,

Counter-Defendant

219th JUDICIAL DISTRICT

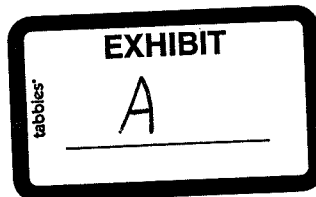
AFFIDAVIT OF CAREN SKIPWORTH

THE STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public, personally appeared **Caren Skipworth**, known to me to be the person whose name is subscribed below, who, being by me duly sworn, deposed, and stated:

1. My name is Caren Skipworth. I am over the age of twenty-one years, of sound mind, and capable of making this Affidavit. I am personally acquainted with the facts stated



herein and know them to be true and correct. I have never been convicted of a felony or a crime involving moral turpitude.

2. **The Information Technology Department.** The Information Technology Department (“IT Department”) is one of the departments in the Collin County, Texas (“Collin County”) government. In the 1980’s, the Commissioners’ Court ruled that the maintenance and operation of the computer systems for all the county’s departments would be in one central department—the IT Department.

3. The IT Department maintains and operates the computer systems for all of the departments in the Collin County government. Approximately 150 vendors supply computer hardware and software to Collin County. Since 2003, the IT Department has aided in the installation of 21 new computer software programs for use by various Collin County government departments.

4. Importantly, however, each individual department—whether run by an elected official or someone appointed—decides who has access to each department’s computer systems. The IT Department can only facilitate and offer opinions on the feasibility of a request or proposal for access to a particular county computer system. Again, the IT Department does not possess the authority to make decisions as to who and under what conditions access to a particular computer system or program is available. Those decisions rest with the elected or appointed department head.

5. I am Collin County’s Information Technology Director. The Collin County Commissioners’ Court (“Commissioners’ Court”) appointed me to run the IT Department in January 2000. I supervise the 62 employees in the IT Department. I started working in the IT

Department in Collin County in 1990. I have a total of 28 years of experience in the field of information technology.

6. **The Auditor.** The Collin County Auditor (“Auditor”) is another department of the Collin County government. The Collin County district judges appoint the Auditor. Currently, Donald Cozad (“Mr. Cozad”) is the Auditor.

7. **Odyssey.** In 2004, the Conference of Urban Counties (“CUC”) began a process of selecting of soliciting proposals for and, ultimately, selecting a software application to run the court systems in their member counties. The CUC is an organization of the 37 Texas counties with the largest populations in the state. Collin County is a CUC member county. The CUC eventually chose a software application called Odyssey. Odyssey tracks court filings, scheduling, bond payments, and fees.

8. At the beginning of the CUC’s effort to select a software program to run the court systems, Mr. Cozad personally asked me if he could be involved. I welcomed Mr. Cozad and the department of the Auditor to the process. The Auditor, in fact, became a member of the CUC’s selection committee (“Selection Committee”) which reviewed the vendor proposals for the new system.

9. The Selection Committee chose the Odyssey software application from a vendor called Tyler. Odyssey is comprised of two “modules” or parts which perform different functions. The first module is the Odyssey Financial Manager which tracks fee schedules and payments into the court system. The second module is Odyssey Case Manager which tracks case docketing, filings, scheduling, and fee tables and codes.

10. On September 14, 2007, Mr. Cozad asked if the Auditor could be granted “view inquiry access” for all the financial transactions in Odyssey Case Manager. View inquiry access

allows a user to monitor—but not alter—the transactions in software program. I inquired into whether the vendor could modify Odyssey to allow such access. The vendor currently provides view inquiry access into the Odyssey Financial Manager. However, view inquiry access does not exist for the Odyssey Case Manager, and the vendor could not make such a modification.

11. Because the Auditor was part of the CUC selection committee for Odyssey, Mr. Cozad and members of the Auditor's staff participated in the drafting of the Selection Committee's requirements documentation ("Requirements Documentation"). The Requirements Documentation specified what features the Selection Committee expected Odyssey to have. The final version of the Requirements Documentation did not state that Odyssey needed to have view inquiry access.

12. After the Auditor requested that Odyssey be modified to have view inquiry access to Odyssey Case Manager, I suggested that he contact the auditor for Dallas County, Texas. The Dallas County auditor had paid \$45,000 for a custom report from the Odyssey vendor. I thought that the same report might satisfy the Auditor's request for view inquiry access to Odyssey Case Manager in Collin County. Mr. Cozad and members of the Auditor's staff visited the auditor for Dallas County, Texas, and viewed the report.

13. The Auditor has requested view inquiry access to all facets of every software application Collin County operates and maintains. Typically, however, vendors do not develop software applications with view inquiry access to configuration, workflow, user profiles, and security. Access to a software application generally provides a user full access to all of the data, security configurations, and other features of the system. This full access allows a user to modify or alter the data, security configuration, and other features of the system. Moreover, it is highly unusual for a vendor to be willing or able to alter an application to allow for something

like view inquiry access after the program's development. In other words, vendors usually sell applications "as is" with no ability to tailor access to the program for specific scenarios and conditions.

14. The state of Texas requires the county governments to provide a variety of statistics concerning their respective court systems. The statistics reported to the state of Texas include the number of cases each county's court system is handling and the filing fees charged and collected. Odyssey's vendor, Tyler, warrants as part of the software license agreement that Odyssey complies with all of the state's reporting requirements. Collin County has not violated any of the state's reporting requirements since Odyssey's implementation.

15. Collin County has spent \$7 million investigating, selecting, testing, and installing Odyssey. The entire process of selecting and eventually installing Odyssey has taken three and a half years.

16. **PeopleSoft**. In the fall of 2006, the Collin County Human Resources department ("HR Department") selected and the IT Department installed the PeopleSoft application to run the HR Department's computer systems. PeopleSoft tracks HR Department functions like salary payments and withholding for taxes and insurance. Previously, the HR Department used the HTE system—a program that the Auditor also still uses.

17. Similar to the Odyssey installation process, Mr. Cozad personally asked to be involved with the implementation of PeopleSoft. Just like with the Odyssey implementation, Mr. Cozad asked for view inquiry access to the system's financial transactions. On this occasion, the vendor was able to modify the program to grant the Auditor view inquiry access which allowed Mr. Cozad and his employees to view but not configure data in PeopleSoft.

18. In addition to view inquiry access, the Auditor also receives on a bi-weekly basis a paper and electronic report of all payroll transactions for every county employee in that pay period (“Bi-Weekly Report”). A software license for the use of a database called Microsoft Access is available to the Auditor. Access is capable of storing and manipulating the data that the Auditor receives in the Bi-Weekly Report.

19. **Land Deeds and Vitals System.** In 2005, Collin County implemented the Land Deeds and Vitals System to operate the County Clerk’s office. The Land Deeds and Vitals System manages the property records and marriage, death, and birth certificates for the county. Mr. Cozad and/or members of the Auditor’s staff participated in the implementation of the Land Deeds and Vitals System. Currently, the Land Deeds and Vitals System does not provide view inquiry access for financial data within the application. The Auditor was aware of the lack of view inquiry access into the Land Deeds and Vitals System because Mr. Cozad and/or members of the Auditor’s staff participated in the selection and implementation of the system. During the selection and implementation process, Mr. Cozad and/or members of the Auditor’s staff were made aware of the lack of view inquiry access into the Land Deeds and Vitals System. Mr. Cozad personally approved the “go live” implementation of the Land Deeds and Vitals System.

20. After the implementation of the Land Deeds and Vitals System, Mr. Cozad personally asked the County Clerk, who is responsible for the Land Deeds and Vitals System, for view inquiry access into the Land Deeds and Vitals System. The County Clerk asked for a quote from the vendor that designed the Land Deeds and Vitals System, AMCAD, to modify the program to allow for view inquiry access into the financial data. AMCAD provided a quote of \$5,000 for the modification to allow for view inquiry access into the financial data. Mr. Cozad initially asked the County Clerk to pay for the modification from the County Clerk’s budget.

The County Clerk refused, and Mr. Cozad responded that the Auditor did not have the funds to pay for the modification either.

21. Collin County paid \$375,000 for the Land Deeds and Vitals System. Collin County paid an additional \$250,000 for the computer hardware to support the Land Deeds and Vitals System. AMCAD also charges Collin County annual maintenance fees. To date, Collin County has paid AMCAD approximately \$180,000 in these annual maintenance fees.

22. I am personally impressed with the Land Deeds and Vitals System from AMCAD. I have not received any complaints from the County Clerk about the Land Deeds and Vitals System.

23. AMCAD guarantees that the Land Deeds and Vitals System complies with all state statutory requirements. To date, I am not aware of any violations of state statutory violations on the part of the Land Deeds and Vitals System.

24. **Firewalls**. Firewalls are computer systems that act as a barrier of protection for computer systems or like a traffic cop providing security for computer systems against viruses, spyware (the ability of outside unauthorized user to use of the programs), and “hackers,” who are also unauthorized outside intruders into a computer system. Firewalls consist of computer software, *i.e.* computer programs or applications. Firewalls may also consist of or hardware, *i.e.* tangible equipment. All of Collin County’s computer systems are vulnerable if the firewall is compromised. All the computer systems in the county need to be shut down if Collin County’s firewall is compromised. Shutting down the county’s computer systems would prevent further damage from the breach and allow time for the IT Department to fix it.

25. Collin County uses Cisco computer equipment for its firewalls. Cisco is a large international company highly regarded for its development of firewall equipment. Collin County

has used Cisco equipment since 1998. The Cisco firewall for the Collin County computer systems consists of \$6 million of equipment and about 4800 devices.

26. Allowing the Auditor to audit or monitor the Cisco firewall is an impractical idea. I supervise the hiring of independent auditors who are highly trained engineers with professional certifications specializing in Cisco equipment ("Firewall Auditors"). I also require that the Firewall Auditors have at least five years of experience in auditing firewalls. Each Firewall Auditor specializes in a different facet of the firewall's operation. The Firewall Auditors are necessary for the audit because it is estimated that authorized users, i.e. employees who have lawful access to a computer system, commit 80% of computer crime.

27. **Certified Information Systems Auditor.** Starting in 2005, Mr. Cozad requested the Commissioners Court for funds to create a position of a Certified Information Systems Auditor ("CISA") within the Auditor's office. The Commissioners Court denied Mr. Cozad's request in 2005. He asked again in 2006 and 2007 for the funding, and the Commissioners' Court denied him for a second and third time.

28. After a public hearing with the Collin County district judges on August 17, 2008, I held a series of in person meetings with Mr. Cozad and members of the Auditor's staff in order to develop a scope of work for an audit of the Collin County computer systems. Presumably, the audit would eliminate the need for the permanent position of a CISA.

29. Mr. Cozad and I made progress toward an agreement on the scope of work for an audit of the Collin County computer systems. On or about December 14, 2007, the district judges held another hearing on this topic of an audit of the Collin County computer systems. At this hearing, I reported to the district judges that Mr. Cozad and I were making progress on a

scope of work for the audit. After this hearing, Mr. Cozad stopped responding to my requests for meetings.

30. In 2006 and in or about December 2007, Mr. Cozad has expressed to me in conversation his opinion that the IT Department should be a part of the office of the Auditor and report to him.

FURTHER AFFIANT SAYETH NAUGHT

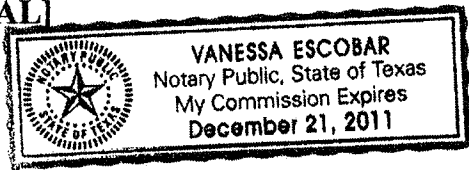
Caren K. Skipworth
Caren Skipworth

THE STATE OF TEXAS §
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COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Caren Skipworth, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of August 2008.

[SEAL]



Vanessa Escobar
NOTARY PUBLIC, STATE OF TEXAS