



**DISTRICT COURT 05-2-08
ALLEGHENY COUNTY
EXAMINATION REPORT
FOR THE PERIOD
JANUARY 1, 2011 TO DECEMBER 31, 2012**

COMMONWEALTH OF PENNSYLVANIA

EUGENE A. DEPASQUALE - AUDITOR GENERAL

DEPARTMENT OF THE AUDITOR GENERAL



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EUGENE A. DePASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Daniel P. Meuser
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 05-2-08, Allegheny County, Pennsylvania (District Court), for the period January 1, 2011 to December 31, 2012, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c). This Statement is the responsibility of the District Court's management. Our responsibility is to express an opinion on this Statement based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Statement and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 401(c) of *The Fiscal Code* to audit the accounts of each district court to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported and promptly remitted. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 401(c) of *The Fiscal Code*.

Independent Auditor's Report (Continued)

In our opinion, the Statement referred to above presents, in all material respects, the operations of the District Court as it pertains to receipts made on behalf of the Commonwealth for the period January 1, 2011 to December 31, 2012, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Statement and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the Statement is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over reporting on the Statement or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the District Court's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the District Court's Statement that is more than inconsequential will not be prevented or detected by the District Court's internal control.

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Statement will not be prevented or detected by the District Court's internal control.

Our consideration of internal control over reporting on the Statement was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any significant deficiencies or material weaknesses, as defined above, in internal control over reporting on the Statement.

Independent Auditor's Report (Continued)

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note an other matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

- Local Ordinance Code Improperly Utilized In Lieu Of Related State Statute.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the District Court and is not intended to be and should not be used by anyone other than these specified parties.



November 22, 2013

EUGENE A. DEPASQUALE
Auditor General

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DISTRICT COURT 05-2-08
 ALLEGHENY COUNTY
 STATEMENT OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2011 TO DECEMBER 31, 2012

Receipts:

Department of Transportation		
Title 75 Fines	\$	165,429
Overweight Fines		750
Littering Law Fines		327
Child Restraint Fines		1,328
Department of Revenue Court Costs		112,198
Crime Victims' Compensation Bureau Costs		5,813
Crime Commission Costs/Victim Witness Services Costs		4,218
Domestic Violence Costs		1,580
Department of Agriculture Fines		955
Emergency Medical Service Fines		47,625
CAT/MCARE Fund Surcharges		147,612
Judicial Computer System Fees		52,932
Access to Justice Fees		14,567
Criminal Justice Enhancement Account Fees		3,142
Judicial Computer Project Surcharges		14,327
Constable Service Surcharges		7,961
Miscellaneous State Fines and Costs		1,156
		<hr/>
Total receipts (Note 2)		581,920
Disbursements and Credits to Commonwealth (Note 3)		<hr/> <u>(581,920)</u>
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments (Note 5)		<hr/> -
Adjusted balance due Commonwealth (District Court) for the period January 1, 2011 to December 31, 2012	\$	<hr/> <hr/> <u>-</u>

Notes to the Statement of Receipts and Disbursements are an integral part of this report.

DISTRICT COURT 05-2-08
 ALLEGHENY COUNTY
 NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2011 TO DECEMBER 31, 2012

1. Criteria

The Statement of Receipts and Disbursements provides a summary of receipts and disbursements by category. The categories and the amounts of fines, costs, fees, and surcharges assessed are based on Pennsylvania laws and regulations.

The Statement was prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Revenue. Under this method, only the Commonwealth portion of cash receipts and disbursements are presented, revenues are recognized when received, and expenditures are recognized when paid.

2. Receipts

Receipts are comprised of fines, costs, fees, and surcharges collected on behalf of the Commonwealth. These fines, costs, fees, and surcharges represent collections made on traffic, non-traffic, civil, and criminal cases filed with the District Court.

3. Disbursements And Credits

Total disbursements are comprised as follows:

District Court checks issued to:

Department of Revenue	\$ 581,842
Credit taken on the current examination for the prior examination period: January 1, 2009 to December 31, 2010	78
Total	<u>\$ 581,920</u>

4. Balance Due Commonwealth (District Court) For The Period January 1, 2011 To December 31, 2012

This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue.

5. Magisterial District Judge Serving During Examination Period

Thomas P. Caulfield served at District Court 05-2-08 for the period January 1, 2011 to December 31, 2012.

DISTRICT COURT 05-2-08
 ALLEGHENY COUNTY
 EXHIBIT 1
 FOR THE PERIOD
 JANUARY 1, 2011 TO DECEMBER 31, 2012

Exhibit 1 - Schedule Of Reporting Errors And Examination Adjustments

<u>Docket Number</u>	<u>Receipt Date</u>	<u>State or Local Arrest</u>	<u>Ordinance Cited per Arresting Officer</u> **	<u>Section Violated per State Statute</u>	<u>Total Balance Due</u>	
TR6138-11	12/02/11	Local	88	5	4902	\$ 75
TR19130-11	12/02/11	Local	95	6	4902	150
NT769-12	08/27/12	Local	88	5	4902	150
NT770-12	10/22/12	Local	88	5	4902	150
NT932-12	08/28/12	Local	88	5	4902	500
NT933-12	08/28/12	Local	88	5	4902	500
NT934-12	08/28/12	Local	88	5	4902	500
NT935-12	08/28/12	Local	88	5	4902	500
<u>Total</u>					<u>\$ 2,525</u>	

** The local ordinance was cited by the arresting officer. However, this violation is part of the *Motor Vehicle Code* which cannot be superceded.

DISTRICT COURT 05-2-08
 ALLEGHENY COUNTY
 FINDING AND RECOMMENDATION
 FOR THE PERIOD
 JANUARY 1, 2011 TO DECEMBER 31, 2012

Finding - Local Ordinance Code Improperly Utilized In Lieu Of Related State Statute

We noted that the Swissvale Borough Police were issuing citations for traffic violations using local ordinance codes in lieu of the applicable state statute. Our examination disclosed a total of 16 cases in which a local ordinance superseded the state statute. Information pertaining to the 16 overweight traffic violations is summarized below.

Municipality	Number of Cases Filed by Police	Number of Cases In Which Payment Was Made	Balance Due The Dept. of Revenue
Swissvale Borough	16	8	<u>\$2,525</u>

Because traffic citations were issued under local ordinances and not under state statute, all fines that were assessed and collected were remitted to the local municipality whose police issued the citation. If these traffic citations were issued under the statewide *Motor Vehicle Code* statute (Title 75), the Commonwealth would have been entitled to 50 percent of the fines assessed and collected as indicated by Title 75. Additionally, the amount of the fines assessed under the local ordinance differs from the amount mandated by the *Motor Vehicle Code*. Therefore, the balance due the Department of Revenue represents one half of the total amount collected on the local ordinance. See Exhibit 1 of this report for a complete listing of the balance due cases. Because the Catastrophic Fund Surcharges and the Emergency Medical Services Fines are not assessed on local ordinances, the failure to collect these costs resulted in an additional loss of revenue to the Commonwealth of approximately \$1,200 and \$80, respectively.

Local ordinances were cited in lieu of state statutes because the local police were following their respective Local Ordinance Code instead of Title 75 of the *Vehicle Code*.

Title 75 Pa. C.S. subsection 6301 states in part, “when the same conduct is proscribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance.”

Recommendation

We recommend that the Swissvale Borough Police issue all citations in accordance with the appropriate state statute.

Management’s Response

No formal response was offered at this time.

DISTRICT COURT 05-2-08
ALLEGHENY COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2011 TO DECEMBER 31, 2012

This report was initially distributed to:

The Honorable Daniel P. Meuser
Secretary
Pennsylvania Department of Revenue

The Honorable Zygmunt Pines
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

The Honorable Thomas P. Caulfield Magisterial District Judge

The Honorable Rich Fitzgerald Allegheny County Executive of the Board of Commissioners

The Honorable Chelsa Wagner Controller

Ms. Claire Capristo District Court Administrator

This report is a matter of public record and is available online at <http://www.auditorgen.state.pa.us>. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 231 Finance Building, Harrisburg, PA 17120; via email to: news@auditorgen.state.pa.us.