

CLERK OF THE COURT OF COMMON PLEAS AND ADULT PROBATION DEPARTMENT/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILLS/CLERK OF ORPHANS' COURT

SULLIVAN COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2004 TO DECEMBER 31, 2006

CONTENTS

Page

| Independent Auditor's Report1 |
|--|
| Financial Section: |
| Statements Of Receipts And Disbursements: |
| Clerk Of The Court Of Common Pleas |
| Adult Probation Department |
| Prothonotary |
| Recorder Of Deeds |
| Realty Transfer Taxes |
| Writ Taxes And Judicial Computer System/Access To Justice Fees |
| Register Of Wills |
| Clerk Of Orphans' Court9 |
| Notes To The Statements Of Receipts And Disbursements |
| Comment |
| Report Distribution |

Independent Auditor's Report

The Honorable Thomas W. Wolf Secretary Pennsylvania Department of Revenue Harrisburg, PA 17128

We have examined the accompanying statements of receipts and disbursements (Statements) of the Clerk of The Court of Common Pleas and Adult Probation Department/ Prothonotary/Recorder of Deeds/Register of Wills/Clerk of Orphans' Court, Sullivan County, Pennsylvania, (County Officers) for the period January 1, 2004 to December 31, 2006, pursuant to the requirements of Sections 401(b) and 401(d) of *The Fiscal Code*, 72 P.S § 401(b) and § 401(d). These Statements are the responsibility of the county office's management. Our responsibility is to express an opinion on these Statements 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 Statements 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 Sections 401(b) and 401(d) of *The Fiscal Code* to audit the accounts of each county officer 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 Sections 401(b) and 401(d) of *The Fiscal Code*.

Independent Auditor's Report (Continued)

In our opinion, the Statements referred to above present, in all material respects, the operations of the County Officers as it pertains to receipts made on behalf of the Pennsylvania Department of Revenue and other state agencies for the period ended December 31, 2006, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Statements 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 Statements are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over the Statements or on compliance and other matters; accordingly, we express no such opinions. The results of our examination disclosed no matters that are required to be reported under *Government Auditing Standards*.

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

November 1, 2007

JACK WAGNER Auditor General

CLERK OF THE COURT OF COMMOMN PLEAS SULLIVAN COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Department of Transportation | | |
|---|--------------|--------------|
| Title 75 Fines | \$ 14,907 | |
| Department of Revenue Court Costs | 3,439 | |
| Crime Victims' Compensation Costs | 6,340 | |
| Crime Commission Costs/Victim Witness Services Costs | 5,900 | |
| Domestic Violence Costs | 805 | |
| State Police Costs | 24 | |
| Department of Transportation Costs | 136 | |
| Emergency Medical Services Fines | 477 | |
| DUI - ARD/EMS Fees | 1,760 | |
| CAT/MCARE Fund Surcharges | 6,044 | |
| Judicial Computer System/Access to Justice Fees | 2,006 | |
| Offender Supervision Fees | 24,244 | |
| Constable Service Surcharges | 576 | |
| Criminal Laboratory Users' Fees | 2,001 | |
| Probation and Parole Officers' Firearm Education Costs | 864 | |
| Substance Abuse Education Costs | 8,935 | |
| Office of Victims' Services Costs | 8,820 | |
| Miscellaneous State Fines and Costs | 2,298 | |
| Total receipts (Note 2) | | \$ 89,576 |
| Disbursements to Commonwealth (Note 4) | | (89,576) |
| Balance due Commonwealth (County) per settled reports (Note 5) | | - |
| Examination adjustments | | |
| Adjusted balance due Commonwealth (County) | | |
| for the period January 1, 2004 to December 31, 2006 | | \$ |

ADULT PROBATION DEPARTMENT SULLIVAN COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| State Police Costs Department of Transportation Costs | \$ 30 115 | |
|---|-----------------|-----------|
| Total receipts (Note 2) | | \$ 145 |
| Disbursements to Commonwealth (Note 4) | | (145) |
| Balance due Commonwealth (County) per settled reports | | - |
| Examination adjustments | | - |
| Adjusted balance due Commonwealth (County) for the period January 1, 2004 to December 31, 2006 | | \$ _ |

PROTHONOTARY SULLIVAN COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Writ Taxes | \$ 238 |
|---|-------------|
| Divorce Complaint Surcharges | 650 |
| Judicial Computer System/Access To Justice Fees | 4,065 |
| Protection From Abuse Surcharges and Contempt Fines | 350 |
| Criminal Charge Information System Fees | 121 |
| Total Receipts (Note 2) | 5,424 |
| Commissions (Note 3) | (7) |
| Net Receipts | 5,417 |
| Disbursements to Commonwealth (Note 4) | (5,417) |
| Balance due Commonwealth (County) per settled reports (Note 5) | - |
| Examination adjustments | - |
| Adjusted balance due Commonwealth (County) for the period January 1, 2004 to December 31, 2006 | \$ _ |

RECORDER OF DEEDS SULLIVAN COUNTY REALTY TRANSFER TAXES STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Realty Transfer Taxes (Note 2) | \$ 971,319 |
|---|---------------|
| Disbursements to Department of Revenue (Note 4) | (971,349) |
| Balance due Department of Revenue (County) per settled reports (Note 5) | (30) |
| Examination adjustments | - |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2004 to December 31, 2006 | \$ (30) |

RECORDER OF DEEDS SULLIVAN COUNTY WRIT TAXES AND JUDICIAL COMPUTER SYSTEM/ACCESS TO JUSTICE FEES STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Writ Taxes | \$ 3,491 |
|---|--------------|
| Judicial Computer System/Access To Justice Fees | 56,170 |
| Total Receipts (Note 2) | 59,661 |
| Commissions (Note 3) | (105) |
| Net Receipts | 59,556 |
| Disbursements to Department of Revenue (Note 4) | (59,556) |
| Balance due Department of Revenue (County) per settled reports (Note 5) | - |
| Examination adjustments | - |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2004 to December 31, 2006 | \$ - |

REGISTER OF WILLS SULLIVAN COUNTY INHERITANCE TAXES STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Inheritance Taxes (Note 2) | \$ 995,221 |
|---|---------------|
| Disbursements to Department of Revenue (Note 4) | (995,221) |
| Balance due Department of Revenue (County) per settled reports (Note 5) | - |
| Examination adjustments | - |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2004 to December 31, 2006 | \$ _ |

CLERK OF ORPHANS' COURT SULLIVAN COUNTY MARRIAGE LICENSE TAXES, SURCHARGES, FEES AND JUDICIAL COMPUTER SYSTEM/ACCESS TO JUSTICE FEES STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

| Marriage License Taxes | \$ 73 |
|---|-------------|
| Marriage License Application Surcharges | 1,450 |
| Marriage License Declaration Fees | 1,450 |
| Judicial Computer System/Access To Justice Fees | 1,420 |
| Total Receipts (Note 2) | 4,393 |
| Disbursements to Department of Revenue (Note 4) | (4,393) |
| Balance due Department of Revenue (County) per settled reports (Note 5) | - |
| Examination adjustments | |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2004 to December 31, 2006 | \$ _ |

1. <u>Criteria</u>

The Statements of Receipts and Disbursements (Statements) have been prepared in accordance with Section 401(b) of *The Fiscal Code*, 72 P.S § 401(b), which requires the Department of the Auditor General to determine whether all money collected on behalf of the Commonwealth has been remitted properly and to provide the Pennsylvania Department of Revenue (Department of Revenue) with a report to enable them to settle an account covering any delinquency.

The Statements were prepared in accordance with reporting requirements prescribed by the 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. <u>Receipts</u>

Clerk Of The Court Of Common Pleas and Adult Probation Department

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 summary and criminal cases filed with the Clerk of The Court of Common Pleas' Office.

Prothonotary

Receipts are comprised of taxes, surcharges, fees, and fines collected on behalf of the Department of Revenue and the Administrative Office of Pennsylvania Courts.

These include monies collected for the following taxes, surcharges, fees, and fines:

- Writ Taxes represent a \$.50 or \$.25 tax imposed on taxable instruments filed with the Prothonotary.
- Divorce Complaint Surcharges represent a \$10.00 surcharge imposed on all divorce decrees.

2. <u>Receipts (Continued)</u>

Prothonotary (Continued)

- Judicial Computer System/Access To Justice Fees represent a \$10 fee imposed for the filing of any legal paper to initiate a civil action or proceeding.
- Protection From Abuse Surcharges represent a \$25.00 surcharge imposed against defendants when a protection order is granted as a result of a hearing. Effective May 9, 2006, the surcharge was increased to \$100. Protection From Abuse Contempt Fines represent fines of not less than \$100.00 nor more than \$1,000.00 imposed against a defendant who is found to be in violation of a protection from abuse order. Effective May 9, 2006, the fine was increased to a minimum of \$300 and maximum of \$1000.
- Criminal Charge Information System Fees represent a fee imposed on all custody cases. Of the fee imposed, 80% is payable to the Administrative Office of Pennsylvania Courts (AOPC) and 20% is payable to the County in which the action took place. The fee was \$5.00 for the period January 1, 2003 to December 31, 2004, \$6.00 for the period January 1, 2005 to December 31, 2005, and \$6.50 for the period January 1, 2006 to December 31, 2006. The statement of receipts and disbursements only reflects the portion collected on behalf of the AOPC.

Recorder Of Deeds

Receipts consist of monies collected on behalf of the Commonwealth. These include monies collected for the following taxes and fees:

- The Pennsylvania Realty Transfer Tax is a documentary stamp tax of 1 percent on the value of the interest in real property transferred by deed.
- Writ Taxes represent a \$.50 tax imposed on various types of documents and a \$10 tax on notary public commissions processed through the office.

2. <u>Receipts (Continued)</u>

Recorder Of Deeds (Continued)

• Judicial Computer System/Access To Justice Fees represent a \$10 imposed for each filing of a deed, mortgage, or property transfer.

Register Of Wills

Receipts consist of monies collected on behalf of the Commonwealth less commissions on these monies. These include monies collected for the following taxes and fees:

- Inheritance Taxes represent inheritance taxes filed with the Register of Wills.
- Judicial Computer System/Access To Justice Fees represent a \$10 fee imposed for the initiation of any civil action or legal proceeding, including the filing of petitions for grants of letters, and first filing in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

For the purpose of reporting the collection of Judicial Computer System/Access To Justice Fees to the Department of Revenue, the office combined the Register of Wills and Clerk of Orphans' Court collections and reported them on the Clerk of Orphans' Court's monthly report. Therefore, the amount reported on the Clerk of Orphans' Court's statement of receipts and disbursements includes the fees collected for the office of the Register of Wills.

Clerk Of Orphans' Court

Receipts consist of monies collected on behalf of the Commonwealth. These include monies collected for the following taxes, surcharges, and fees:

- The Marriage License Tax is a \$.50 tax on all marriage licenses filed with the Clerk of Orphans' Court.
- The Marriage License Application Surcharge is a \$10.00 surcharge imposed on all marriage license applications.

2. <u>Receipts (Continued)</u>

Clerk Of Orphans' Court (Continued)

- The Marriage License Declaration Fees is a \$13.00 fee imposed for the issuance of a marriage license or declaration and for returns thereof to the Department of Health, \$2.50 of which shall be for the use of the county where the license is issued, and \$.50 for the use of the Commonwealth (Marriage License Tax), plus \$10.00 (Marriage License/Declaration Fees). The statement of receipts and disbursements only reflects the portion collected on behalf of the Commonwealth.
- Judicial Computer System/Access To Justice Fees represent a \$10 fee imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.
- 3. <u>Commissions</u>

Prothonotary

Acting in the capacity of an agent for the Commonwealth, the Prothonotary is authorized to collect a commission of 3 percent on the Commonwealth portion of writ taxes. Accordingly, commissions owed the county are not included in the balance due the Commonwealth.

Recorder Of Deeds/Register Of Wills

Acting in the capacity of an agent for the Commonwealth, the Recorder of Deeds/Register of Wills is authorized to collect a commission on the Commonwealth portion of taxes as follows:

| <u>Tax</u> | Commission |
|-----------------|------------------------------|
| Realty Transfer | 1% |
| Writ | 3% |
| Inheritance | 4.25% \$1.00 to \$200,000.00 |
| | 1.75% next \$800,000.00 |
| | .50% thereafter |

3. <u>Commissions (Continued)</u>

Recorder Of Deeds/Register Of Wills (Continued)

Recorder of Deeds commissions of \$9,714 for Realty Transfer Taxes and Register of Wills commissions of \$32,407 for Inheritance Taxes were paid to the County by the Department of Revenue, which are not reflected in the Statements.

4. <u>Disbursements</u>

Clerk Of The Court Of Common Pleas

Total disbursements are comprised as follows:

Clerk of the Court checks issued to:

| Department of Revenue Department of Transportation State Police | \$ 89,416 136 24 |
|---|---------------------------|
| Total | \$ 89,576 |
| Adult Probation Department | |
| Total disbursements are comprised as follows: | |
| Adult Probation Department checks issued to: | |
| State Police | \$ 30 |

115

145

\$

| Total |
|-------|
|-------|

Department of Transportation

4. <u>Disbursements (Continued)</u>

Prothonotary

Total disbursements are comprised as follows:

Prothonotary checks issued to:

| Department of Revenue Adminstrative Office of Pennsylvania Courts | \$ 5,296 121 |
|--|--------------------|
| Total | \$ 5,417 |

Recorder Of Deeds

Realty Transfer Taxes

The Recorder of Deeds participates in the Department of Revenue's cash management system for Realty Transfer Taxes. Under this system, the "Agent" deposits Realty Transfer Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes.

Total disbursements are comprised as follows:

| Deposits into the Department of Revenue's | |
|---|---------------|
| cash management account | \$ 971,349 |

Writ Taxes and Judicial Computer System/Access To Justice Fees

Total disbursements are comprised as follows:

| Checks issued to the Department of Revenue | \$ | 59,556 |
|--|----|--------|
|--|----|--------|

4. <u>Disbursements (Continued)</u>

Register Of Wills

Inheritance Taxes

The Register of Wills participates in the Department of Revenue's cash management system for Inheritance Taxes. Under this system, the "Agent" deposits Inheritance Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes.

Total disbursements are comprised as follows:

| Deposits into the Department of Revenue's | |
|---|---------------|
| cash management account | \$ 995,221 |
| | |
| Clerk Of Orphans' Court | |
| Total disbursements are comprised as follows: | |
| Checks issued to the Department of Revenue | \$ 4,393 |

5. <u>Balance Due Department of Revenue/Commonwealth (County) For The Period</u> January 1, 2004 To December 31, 2006

Clerk Of The Court Of Common Pleas

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance also reflects a summary of any receipts disbursed directly to other state agencies.

<u>Subsequent Event:</u> The Clerk of Court took a credit of \$1,606.77 on the July 2007 monthly report to the Department of Revenue. This adjustment was for an overpayment to the Department of Revenue for the month of October 2005. The overpayment for October 2005 was not credited by the Department of Revenue during the examination period and is not reflected in the Clerk of Courts' statement of receipts and disbursements.

5. <u>Balance Due Department of Revenue/Commonwealth (County) For The Period</u> January 1, 2004 To December 31, 2006 (Continued)

Prothonotary

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance also reflects a summary of receipts that were disbursed directly to the Administrative Office of Pennsylvania Courts.

Recorder of Deeds/Register of Wills/Clerk of Orphans' Court

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

6. <u>County Officers Serving During Examination Period</u>

Francine Doyle served as Clerk of The Court of Common Pleas/Prothonotary/Recorder of Deeds/Register of Wills/Clerk of Orphans' Court during the period January 1, 2004 to December 31, 2006.

Rocky Hileman served as Chief Probation Officer of the Adult Probation Department during the period January 1, 2004 to December 31, 2006.

CLERK OF THE COURT OF COMMON PLEAS AND ADULT PROBATION DEPARTMENT/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILLS/CLERK OF ORPHANS' COURT SULLIVAN COUNTY COMMENT FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

Comment - Compliance With Prior Audit Recommendations

During our prior audit, we made the following recommendations:

- That the office consult legal counsel to protect the office's interests in the event that errors or fraud occur as a result of vendor employees accessing the office's data.
- That the office require the vendor to obtain written authorization from the office before changing the office's data.
- That the office establish procedures to periodically generate monitoring reports that include the date, time, reason for change(s), change(s) made, and who made the change(s).
- That the office users be required to periodically change their passwords.
- That the office take prudent steps to properly secure their production server from unauthorized access.

During our current examination, we noted that the office complied with our recommendations.

CLERK OF THE COURT OF COMMON PLEAS AND ADULT PROBATION DEPARTMENT/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILLS/CLERK OF ORPHANS' COURT SULLIVAN COUNTY REPORT DISTRIBUTION FOR THE PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2006

This report was initially distributed to:

The Honorable Thomas W. Wolf Secretary Pennsylvania Department of Revenue

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

Mr. Thomas J. Dougherty Director Division of Grants and Standards Pennsylvania Board of Probation and Parole 1101 South Front Street, Suite 5900 Harrisburg, PA 17104-2545

Clerk of the Court of Common Pleas/Prothonotary/ Recorder of Deeds/Register of Wills/Clerk of Orphans' Court Sullivan County Sullivan County Courthouse Main & Muncy Streets Laporte, PA 18626

| The Honorable Francine Doyle | Clerk of The Court of Common Pleas/ Prothonotary/ Recorder of Deeds/ Register of Wills/Clerk of Orphans' Court |
|----------------------------------|--|
| Mr. Rocky Hileman | Chief Adult Probation Officer, Adult Probation Department |
| The Honorable Wayne E. Gavitt | Chairman of the Board of Commissioners |
| The Honorable Brendan J. Vanston | President Judge |

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. To view this report online or to contact the Department of the Auditor General, please access our web site at www.auditorgen.state.pa.us.