

CLERK OF THE COURT OF COMMON PLEAS/  
PROTHONOTARY/PROBATION DEPARTMENT

HUNTINGDON COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2004 TO DECEMBER 31, 2006

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## 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/Prothonotary/Probation Department, Huntingdon 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. Our examination disclosed a certain finding that is required to be reported under *Government Auditing Standards* and this finding is described in the Finding and Recommendation section of the report.

We are concerned in light of the Probation Department's failure to correct a previously reported finding regarding receipts that were not always deposited on the same day as collected. The probation department should strive to implement the recommendation and corrective action noted in this examination report. During our current examination, we noted several significant weaknesses in the internal controls over the receipts. These significant deficiencies increase the risk for funds to be lost, stolen, or misappropriated.

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.

July 10, 2008

JACK WAGNER  
Auditor General

CLERK OF THE COURT OF COMMON PLEAS/PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

|  |    |                        |
|--|----|------------------------|
| Department of Transportation   |    |                        |
| Title 75 Fines   | \$ | 71,713                 |
| Department of Revenue Court Costs  |    | 18,117                 |
| Crime Victims' Compensation Costs  |    | 54,266                 |
| Crime Commission Costs/Victim Witness Services Costs   |    | 43,668                 |
| Domestic Violence Costs  |    | 3,512                  |
| Emergency Medical Services Fines   |    | 3,942                  |
| DUI - ARD/EMS Fees   |    | 6,612                  |
| CAT/MCARE Fund Surcharges  |    | 39,106                 |
| Judicial Computer System/Access to Justice Fees  |    | 10,145                 |
| Offender Supervision Fees  |    | 240,049                |
| Constable Service Surcharges   |    | 1                      |
| Criminal Laboratory Users' Fees  |    | 4,850                  |
| Probation and Parole Officers' Firearm Education Costs   |    | 4,820                  |
| Substance Abuse Education Costs  |    | 53,823                 |
| Office of Victims' Services Costs  |    | 15,658                 |
| Miscellaneous State Fines and Costs  |    | <u>27,271</u>          |
| <br>Total receipts (Note 2)  |    | <br>\$ 597,553         |
| <br>Disbursements to Department of Revenue (Note 4)  |    | <br><u>(597,553)</u>   |
| <br>Balance due Department of Revenue (County)<br>per settled reports (Note 5)                                 |    | <br>-                  |
| <br>Examination adjustments  |    | <br><u>-</u>           |
| <br>Adjusted balance due Department of Revenue (County)<br>for the period January 1, 2004 to December 31, 2006 |    | <br><u><u>\$ -</u></u> |

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

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

Receipts:

|   |    |                 |
|---|----|-----------------|
| Writ Taxes  | \$ | 1,174           |
| Divorce Complaint Surcharges  |    | 4,890           |
| Judicial Computer System/Access To Justice Fees   |    | 27,770          |
| Protection From Abuse Surcharges and Contempt Fines   |    | 125             |
| Criminal Charge Information System Fees   |    | <u>1,445</u>    |
| Total Receipts (Note 2)   |    | 35,404          |
| Commissions (Note 3)  |    | <u>(35)</u>     |
| Net Receipts  |    | 35,369          |
| Disbursements to Commonwealth (Note 4)  |    | <u>(35,369)</u> |
| Balance due Commonwealth (County)<br>per settled reports (Note 5)                                 |    | <u>-</u>        |
| Adjusted balance due Commonwealth (County)<br>for the period January 1, 2004 to December 31, 2006 | \$ | <u><u>-</u></u> |

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

CLERK OF THE COURT OF COMMON PLEAS/  
PROTHONOTARY/PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

1. Criteria

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

The Statements were 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

Clerk Of The Court Of Common Pleas

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 surcharge imposed on all divorce decrees.
- 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.

CLERK OF THE COURT OF COMMON PLEAS/  
PROTHONOTARY/PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

2. Receipts (Continued)

Prothonotary (Continued)

- Protection From Abuse Surcharges represent a \$25 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 nor more than \$1,000 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, 2007. The statement of receipts and disbursements only reflects the portion collected on behalf of the AOPC.

3. Commissions

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.

4. Disbursements

Clerk Of The Court Of Common Pleas/Probation Department

Total disbursements are comprised as follows:

Probation Office checks issued to:

|                       |                   |
|-----------------------|-------------------|
| Department of Revenue | \$ <u>597,553</u> |
|-----------------------|-------------------|

CLERK OF THE COURT OF COMMON PLEAS/  
PROTHONOTARY/PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

4. Disbursements

Prothonotary

Total disbursements and credits are comprised as follows:

Prothonotary checks issued to:

|  |                         |
|--|-------------------------|
| The Department of Revenue                        | \$ 33,924               |
| The Administrative Office of Pennsylvania Courts | <u>1,445</u>            |
| Total  | <u><u>\$ 35,369</u></u> |

5. Balance Due Commonwealth (County) For The Period January 1, 2004 To December 31, 2006

Clerk Of The Court Of Common Pleas/Probation Department

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

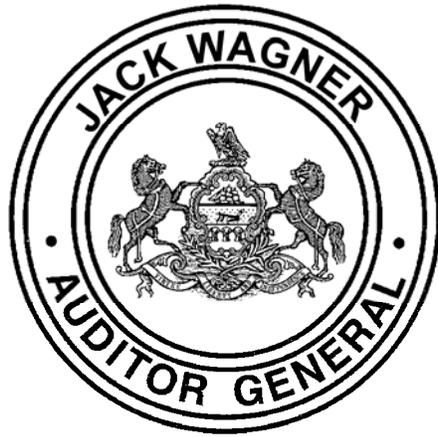
Prothonotary

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.

6. County Officers Serving During Examination Period

Kay Coons served as the Clerk of the Court of Common Pleas/Prothonotary for the period January 1, 2004 to December 31, 2006.

Thomas R. Guisler served as the Director of the Probation Department for the period January 1, 2004 to December 31, 2006.



PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
FINDING AND RECOMMENDATION  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

Finding - Inadequate Internal Controls Over Receipts – Probation Department

Our examination revealed that there were significant internal control weaknesses over receipts. These weaknesses included:

- Of 40 receipts tested, 38 were not deposited on the same day as collected. The time lapse from the date of receipt to the subsequent date of deposit ranged from two days to ten days.
- The office copy of the bank deposit slip was not validated by the bank. This weakness has occurred since opening a new bank account on October 24, 2005.

A good system of internal controls ensures that:

- All monies collected are deposited in the bank at the end of every day.
- The deposit slip should identify each check and the total amount of cash deposited. The office copy of each deposit should be brought to the bank to be validated.

Without a good system of internal controls over funds received by the office, the potential is increased that funds could be lost, stolen, or misappropriated.

The condition relating to receipts not always being deposited on the same day as collected was cited in our last two audit periods, the most recent ending December 31, 2003.

Recommendation

We again recommend that the office establish and implement an adequate system of internal controls over receipts as noted above.

Management's Response

No formal response was offered at this time.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the Probation Department comply with our recommendation.

PROBATION DEPARTMENT  
HUNTINGDON COUNTY  
COMMENT  
FOR THE PERIOD  
JANUARY 1, 2004 TO DECEMBER 31, 2006

Comment - Compliance With Prior Audit Recommendation

During our prior audit, we recommended that the Probation Department reconcile the ending checkbook balance each month to its report of undisbursed receipts and immediately investigate and resolve any differences.

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

CLERK OF THE COURT OF COMMON PLEAS/  
PROTHONOTARY/PROBATION DEPARTMENT  
HUNTINGDON 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 Zygmunt Pines  
Court Administrator of Pennsylvania  
Supreme Court of Pennsylvania  
Administrative Office of Pennsylvania Courts

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Pennsylvania Board of Probation and Parole  
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Clerk of the Court of Common Pleas/Prothonotary  
Huntingdon County  
Courthouse  
223 Penn Street  
Huntingdon, PA 16652

|                                |   |
|--------------------------------|---|
| The Honorable Kay Coons        | Clerk of The Court of Common Pleas/<br>Prothonotary |
| The Honorable R. Dean Fluke    | Chairman of the Board of Commissioners              |
| The Honorable Stewart L. Kurtz | President Judge                                     |
| Mr. Thomas R. Guisler          | Director, Probation Department                      |

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](http://www.auditorgen.state.pa.us).