

DISTRICT COURT 30-3-03

CRAWFORD COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2008 TO DECEMBER 31, 2010

## CONTENTS

	<u>Page</u>
Independent Auditor's Report.....	1
Financial Section:	
Statement Of Receipts And Disbursements.....	5
Notes To The Statement Of Receipts And Disbursements.....	6
Finding And Recommendations:	
Finding - Failure To Follow The <i>Supreme Court Of Pennsylvania Administrative     Office Of Pennsylvania Courts Record Retention &amp; Disposition Schedule With     Guidelines Procedures</i> .....	7
Comment.....	9
Report Distribution .....	11





**Department of the Auditor General  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120-0018**

**JACK WAGNER  
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 30-3-03, Crawford County, Pennsylvania (District Court), for the period January 1, 2008 to December 31, 2010, 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.

Except as discussed in the fourth and fifth paragraphs, 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)

Auditors are required to obtain specific written representations from management for all audits of financial statements performed in accordance with *Government Auditing Standards*. The Magisterial District Judge refused to furnish the following written representations:

- The District Court is responsible for the Statement and its assertion that it is presented in conformity with the reporting requirements prescribed by the Pennsylvania Department of Revenue.
- As of December 31, 2010, the Statement is presented in conformity with the reporting requirements prescribed by the Pennsylvania Department of Revenue.
- All financial records and related data were made available to the Department of the Auditor General.
- All transactions have been recorded in the accounting records.
- The District Court acknowledges its responsibility for the design and implementation of programs and controls to prevent and detect fraud.
- The District Court has no knowledge of any fraud or suspected fraud affecting the entity involving, management, employees who have significant roles in internal controls, or other situations where the fraud could have a material effect on the Statement.
- The District Court has no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, or others.
- The District Court is responsible for compliance with applicable laws and regulations.
- There have been no violations of laws or regulations.
- No events have occurred subsequent to December 31, 2010 that would have a material effect on the Statement that would require disclosure.

### Independent Auditor's Report (Continued)

- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in reporting practices.

In addition, as discussed in the Finding and Recommendations section of the examination report, the 2008 traffic and non-traffic case files were destroyed and not available for the examination. Without these records, we could not perform our standard examination procedures. As a result, the scope of our examination of the District Court's Statement was limited, and we were unable to satisfy ourselves by other examination procedures.

In our opinion, except for the effects, if any, of the matters noted in the two preceding paragraphs, 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 ended December 31, 2010, 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.

Independent Auditor's Report (Continued)

We consider the deficiency described in the finding below to be a significant deficiency in internal control over the reporting on the Statement:

- Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines* Procedures.

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 the internal control over reporting on the Statement would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. We consider the significant deficiency described above to be a material weakness.

The results of our tests disclosed no instances of noncompliance or other 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 District Court and is not intended to be and should not be used by anyone other than these specified parties.

March 19, 2012

JACK WAGNER  
Auditor General

DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2008 TO DECEMBER 31, 2010

Receipts:

Department of Transportation		
Title 75 Fines	\$	255,270
Motor Carrier Road Tax Fines		150
Overweight Fines		7,527
Commercial Driver Fines		1,000
Littering Law Fines		100
Child Restraint Fines		618
Department of Revenue Court Costs		88,026
Crime Victims' Compensation Bureau Costs		13,428
Crime Commission Costs/Victim Witness Services Costs		9,581
Domestic Violence Costs		3,161
Department of Agriculture Fines		3,741
Emergency Medical Service Fines		42,823
CAT/MCARE Fund Surcharges		139,774
Judicial Computer System Fees		45,048
Access to Justice Fees		11,660
Criminal Justice Enhancement Account Fees		925
Judicial Computer Project Surcharges		4,214
Constable Service Surcharges		2,587
Miscellaneous State Fines		31,656
		<hr/>
Total receipts (Note 2)		661,289
Disbursements to Commonwealth (Note 3)		<hr/> (661,289)
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments		<hr/> -
Adjusted balance due Commonwealth (District Court) for the period January 1, 2008 to December 31, 2010	\$	<hr/> <hr/> -

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

DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2008 TO DECEMBER 31, 2010

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

Total disbursements are comprised as follows:

District Court checks issued to:

Department of Revenue	\$ <u>661,289</u>
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4. Balance Due Commonwealth (District Court) For The Period January 1, 2008 To December 31, 2010

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

5. Magisterial District Judge Serving During Examination Period

Lincoln S. Zilhaver served at District Court 30-3-03 for the period January 1, 2008 to December 31, 2010.

DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
FINDING AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2008 TO DECEMBER 31, 2010

Finding - Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines Procedures*

Our examination disclosed that traffic/non-traffic citations issued between January 1, 2008 and December 31, 2008 were not available for examination and have been destroyed after February 10, 2012 by the district court without being in compliance with the procedures described in the *Supreme Court of Pennsylvania Administrative Office of Pennsylvania Courts Record Retention & Disposition Schedule with Guidelines* (Schedule).

The Schedule outlines the proper procedures for the destruction of non-permanent court records. Disposal request procedures include:

A request to destroy non-permanent scheduled records must be submitted by the record custodian requesting permission to dispose of the record(s) to the Record Retention Officer utilizing a Unified Judicial System Disposal Log for Non-Permanent Records form adopted by the AOPC as provided in Pa.R.J.A. No. 507. The Record Retention Officer shall review the Records Disposal Log Form for completeness and shall grant written permission to dispose of such non-permanent records upon ascertaining that the applicable retention period as set forth in the schedule has been met. Written approval from the AOPC is not necessary before destroying non-permanent records as identified in the schedule. A log of individual disposition actions involving non-permanent records must be maintained. Copies of the Records Disposal Log Form shall be submitted on an annual basis to the AOPC. (See §4.5 Form Retention)

Although the Schedule identifies traffic and non-traffic citations as records that may be destroyed after three years, the Schedule also states in part:

Records subject to audit must be retained for the periods listed in the schedule and must be audited and all findings resolved before such records may be destroyed.  
[Emphasis Added]

The failure to maintain these records resulted in an unclear examination trail. Additionally, collections associated with missing cases files and documents could be lost or misappropriated.

DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
FINDING AND RECOMMENDATIONS  
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Finding - Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines Procedures (Continued)*

The Magisterial District Judge did submit the proper form to the assistant district court administrator and was approved by her. However, the records were not approved for destruction by the AOPC, and were destroyed before an examination by our Department was performed.

Recommendations

We recommend that the district court comply with the procedures listed in the Schedule. We further recommend that the district court not destroy citations until after they have been subject to examination by the Department of the Auditor General.

Management's Response

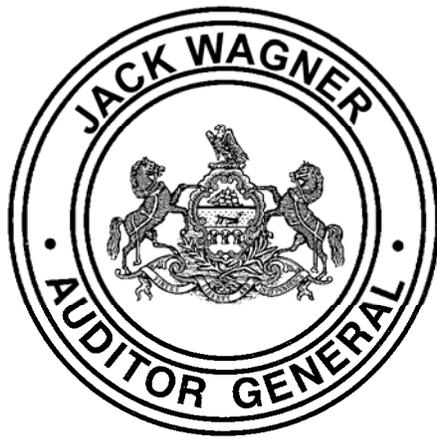
No formal response was offered at this time.

DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
COMMENT  
FOR THE PERIOD  
JANUARY 1, 2008 TO DECEMBER 31, 2010

Comment - Compliance With Prior Examination Recommendation

During our prior examination, we recommended that the office establish and implement an adequate system of internal controls over computer downtime manual receipts.

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



DISTRICT COURT 30-3-03  
CRAWFORD COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2008 TO DECEMBER 31, 2010

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 Lincoln S. Zilhaber	Magisterial District Judge
The Honorable Morris W. Waid	Chairperson of the Board of Commissioners
Mr. John L. Shuttleworth	District Court Administrator
Ms. Robyn Sye	Chief Financial Officer

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).