

DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
EXAMINATION REPORT  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

## CONTENTS

	<u>Page</u>
Independent Auditor's Report.....	1
Financial Section:	
Statement Of Receipts And Disbursements.....	3
Notes To The Statement Of Receipts And Disbursements.....	4
Exhibit 1 - Schedule Of Reporting Errors And Examination Adjustments .....	7
Report Distribution .....	9



## Independent Auditor's Report

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

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 38-2-08, Montgomery County, Pennsylvania (District Court), for the period January 1, 2003 to December 31, 2005, 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 Pennsylvania Department of Revenue and other state agencies for the period ended December 31, 2005, 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 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 the Statement 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 District Court and is not intended to be and should not be used by anyone other than these specified parties.

March 12, 2007

JACK WAGNER  
Auditor General

DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

Receipts:

Department of Transportation		
Title 75 Fines	\$	236,441
Overweight Fines		13
Commercial Driver Fines		872
Littering Law Fines		275
Child Restraint Fines		425
Department of Revenue Court Costs		162,689
Crime Victims' Compensation Bureau Costs		24,817
Crime Commission Costs/Victim Witness Services Costs		18,266
Department of Public Welfare		
Domestic Violence Costs		6,185
Attend Care Fines		486
Department of Agriculture Fines		125
Emergency Medical Service Fines		91,044
CAT/MCARE Fund Surcharges		274,388
Judicial Computer System Fees		95,997
Access to Justice Fees		16,772
Constable Service Surcharges		<u>14,374</u>
Total receipts (Note 2)	\$	943,169
Disbursements to Department of Revenue (Note 3)		<u>(941,515)</u>
Balance due Department of Revenue (District Court) per settled reports (Note 4)		1,654
Examination adjustments (Exhibit 1)		<u>(1,654)</u>
Adjusted balance due Department of Revenue (District Court) for the period January 1, 2003 to December 31, 2005	\$	<u><u>-</u></u>

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

DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

1. Criteria

The Statement of Receipts and Disbursements (Statement) has been prepared in accordance with Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c), which requires the Department of the Auditor General to determine whether all money collected on behalf of the Commonwealth has been remitted promptly 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 Statement was 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. Receipts

Receipts are comprised of fines, costs, fees, and surcharges collected on behalf of the Department of Revenue and other state agencies. 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:

Checks issued to the Department of Revenue	<u>\$ 941,515</u>
--	-------------------

4. Balance Due Department Of Revenue (District Court) For The Period January 1, 2003 To December 31, 2005

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

5. Magisterial District Judges Serving During Examination Period

Steven Silverman served at District Court 38-2-08 for the period January 1, 2003 to July 12, 2004.

Henry Liss served at District Court 38-2-08 from July 13, 2004 to November 14, 2004.

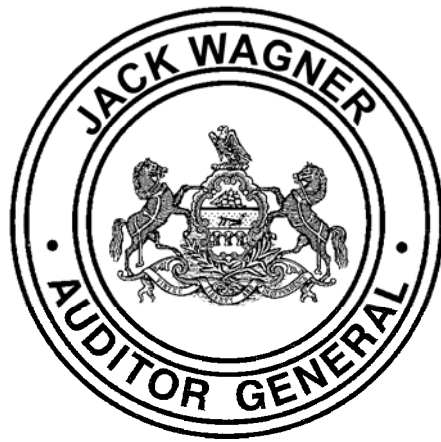
DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

5. Magisterial District Judges Serving During Examination Period (Continued)

Richard Price served at District Court 38-2-08 from November 15, 2004 to March 31, 2005.

Gloria Inlander and Elaine Berkoff served at District Court 38-2-08, rotating monthly, from April 1, 2005 to December 31, 2005.



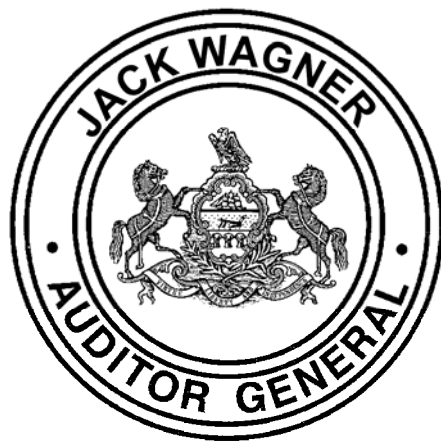


DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
EXHIBIT 1  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

Exhibit 1 - Schedule Of Reporting Errors And Examination Adjustments

<u>Month</u>	<u>Year</u>	<u>Total Balance Due Per Settled Reports</u>	<u>Examination Adjustments</u>	<u>Adjusted Balance Due</u>	<u>Explanation</u>
June	2004	\$ 478	\$ (478)	\$ -	See Note.
August	2004	661	(661)	-	See Note.
November	2004	375	(375)	-	See Note.
February	2005	117	(117)	-	See Note.
March	2005	<u>23</u>	<u>(23)</u>	<u>-</u>	See Note.
Totals:		<u>\$ 1,654</u>	<u>\$ (1,654)</u>	<u>\$ -</u>	

Note - District Court 38-2-01 was closed in January 2004 and all cases were transferred to District Court 38-2-08. Monies collected at District Court 38-2-01 were disbursed to the appropriate parties, including fines and costs due the State, at the time of disposition. The cases were successfully appealed from the closed District Court 38-2-01 and the money was then transferred, from the amount due the State for that particular month, to the County for eventual refund to the defendant.



DISTRICT COURT 38-2-08  
MONTGOMERY COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2005

This report was initially distributed to:

The Honorable Thomas W. Wolf  
Secretary  
Pennsylvania Department of Revenue

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

District Court 38-2-08  
Montgomery County  
102 York Road, Suite 100  
Willow Grove, PA 19090

Michael R. Kehs, Esquire

District Court Administrator

The Honorable Jay S. Friedenberg

Magisterial District Judge

The Honorable Thomas Jay Ellis

Chairman of the Board of Commissioners

The Honorable Eric Kretschman

Controller

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).