

ATTESTATION ENGAGEMENT

District Court 19-3-11
York County, Pennsylvania
For the Period
January 1, 2012 to December 31, 2018

June 2019



Commonwealth of Pennsylvania
Department of the Auditor General

Eugene A. DePasquale • Auditor General



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EUGENE A. DePASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 19-3-11, York County, Pennsylvania (District Court), for the period January 1, 2012 to December 31, 2018, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c). The District Court's management is responsible for presenting this Statement in accordance with the criteria set forth in Note 1. 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Statement is presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the statement of receipts and disbursements. The nature, timing and extent of the procedures selected depend on our judgement, including an assessment of the risks of material misstatement of the Statement, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide 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, for the period January 1, 2012 to December 31, 2018, is presented in accordance with the criteria set forth in Note 1, in all material respects.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Statement; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Statement. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. 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 internal control over reporting on the Statement or on compliance and other matters; accordingly, we express no such opinions.

A *deficiency in internal control* 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 and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Statement will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over reporting on the Statement was for the limited purpose of expressing an opinion on whether the Statement is presented in accordance with the criteria described above and was not designed to identify all deficiencies in internal control over reporting on the Statement that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify a certain deficiency in internal control, described in the finding listed below, that we consider to be a significant deficiency:

- Evidence Of Authorizing The Disposition Of Citations Was Not Available.

As part of obtaining reasonable assurance about whether the Statement is free from material misstatement, we performed tests of the District Court's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of Statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Independent Auditor's Report (Continued)

The purpose of this report is to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported and promptly remitted. This report is not suitable for any other purposes.

We appreciate the courtesy extended by the District Court 19-3-11, York County, to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.



Eugene A. DePasquale
Auditor General

May 6, 2019

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DISTRICT COURT 19-3-11
YORK COUNTY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2018

Receipts:

| | | |
|---|--------|------------------------|
| Department of Transportation | | |
| Title 75 Fines | \$ | 563,500 |
| Motor Carrier Road Tax Fines | | 750 |
| Overweight Fines | | 388 |
| Commercial Driver Fines | | 3,786 |
| Littering Law Fines | | 525 |
| Child Restraint Fines | | 3,445 |
| Department of Revenue Court Costs | | 437,678 |
| Crime Victims' Compensation Bureau Costs | | 62,501 |
| Crime Commission Costs/Victim Witness Services Costs | | 39,339 |
| Domestic Violence Costs | | 10,304 |
| Emergency Medical Service Fines | | 176,364 |
| CAT/MCARE Fund Surcharges | | 564,475 |
| Judicial Computer System Fees | | 203,094 |
| Access to Justice Fees | | 68,169 |
| Criminal Justice Enhancement Account Fees | | 15,758 |
| Judicial Computer Project Surcharges | | 139,389 |
| Constable Service Surcharges | | 38,793 |
| Miscellaneous State Fines and Costs | | <u>484,411</u> |
| Total receipts (Note 2) | | 2,812,669 |
| Disbursements to Commonwealth (Note 3) | | <u>(2,812,669)</u> |
| Balance due Commonwealth (District Court) per settled reports (Note 4) | | - |
| Examination adjustments | | <u>-</u> |
| Adjusted balance due Commonwealth (District Court) for the period January 1, 2012 to December 31, 2018 | \$ | <u><u>-</u></u> |

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

DISTRICT COURT 19-3-11
YORK COUNTY
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2018

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>\$ 2,812,669</u> |
|-----------------------|---------------------|

4. Balance Due Commonwealth (District Court) For The Period January 1, 2012 To December 31, 2018

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

5. Magisterial District Judges Serving During Examination Period

Gerald E. Shoemaker served at District Court 19-3-11 for the period January 3, 2012 to December 31, 2013.

Robert A. Eckenrode served at District Court 19-3-11 for the period January 1, 2014 to December 31, 2018.

DISTRICT COURT 19-3-11
YORK COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2018

Finding - Evidence Of Authorizing The Disposition Of Citations Was Not Available

During our examination of the district court's case files, we tested 108 cases with dispositions of not guilty, dismissed, discharged, or withdrawn, and cases that had a guilty plea disposition without an accompanying full payment. We noted the following:

- There was no evidence in 26 cases that the disposition was authorized by the Magisterial District Judge.
- There were 61 instances in which the Magisterial District Judge's facsimile signature stamp was used to sign the certification of disposition. We found that there were four facsimile signature stamps that are accessible to all staff.

Good internal accounting controls ensure that:

- There is evidence that the disposition on these cases was authorized by the Magisterial District Judge.
- Effective measures are implemented to protect against the inappropriate use of the Magisterial District Judge's signature. Only the Magisterial District Judge should have access to the facsimile signature stamp and the stamp should be stored in a secured location.

The failure to follow these procedures increases the risk that documents could be fraudulently authorized and that funds could be lost or misappropriated.

These conditions existed because the office failed to establish and implement an adequate system of internal controls over documenting that the disposition was authorized by the Magisterial District Judge and the facsimile signature stamp.

Recommendations

We recommend that the district court maintain documentation that the Magisterial District Judge authorized the disposition of these cases and it is available for examination. We further recommend that the district court implement good internal accounting controls over the access to the facsimile signature stamp by restricting the availability of the facsimile signature stamp to the Magisterial District Judge only.

DISTRICT COURT 19-3-11
YORK COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2018

**Finding - Evidence Of Authorizing The Disposition Of Citations Was Not Available
(Continued)**

Management's Response

The Magisterial District Judge responded as follows:

All citations requiring a Judge's signature for disposition are now being signed by the Judge and sealed per audit finding. This issue was corrected immediately upon notice by the auditor.

Auditor's Conclusion

We appreciate the officeholder's efforts to correct these issues. During our next examination, we will determine if the office complied with our recommendations.

DISTRICT COURT 19-3-11
YORK COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2018

This report was initially distributed to:

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue

The Honorable Thomas B. Darr
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

The Honorable Robert A. Eckenrode
Magisterial District Judge

The Honorable Susan P. Byrnes
President of the Board of Commissioners

The Honorable Greg Bower
Controller

Mr. Paul O. Crouse
District Court Administrator

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.