

# COMPLIANCE AUDIT

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District Court 51-3-04  
Adams County, Pennsylvania  
For the Period  
January 1, 2018 to December 31, 2021

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April 2023



Commonwealth of Pennsylvania  
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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**TIMOTHY L. DEFOOR  
AUDITOR GENERAL**

Pat Browne  
Acting Secretary  
Pennsylvania Department of Revenue  
Harrisburg, PA 17128

We have conducted a compliance audit of the District Court 51-3-04, Adams County, Pennsylvania (District Court), for the period January 1, 2018 to December 31, 2021, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c).

The objective of the audit was to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted and to provide a report to the Department of Revenue to allow the Department of Revenue to state and settle the District Court's account. Our audit was limited to areas related to the objective identified above and was not conducted, nor was it required to be, in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

The District Court is responsible for establishing and maintaining effective internal controls to provide reasonable assurance of compliance with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted. The District Court is also responsible for complying with those laws and regulations. It is our responsibility to perform procedures to obtain sufficient, appropriate evidence to the extent necessary to satisfy the audit objective. We believe that our audit provides a reasonable basis for our conclusions.

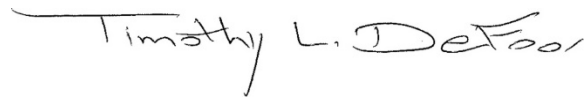
Based on our audit procedures, we conclude that, for the period January 1, 2018 to December 31, 2021, the District Court, in all significant respects, complied with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted, except as noted in the findings listed below and discussed later in this report:

- Evidence Of Authorizing The Disposition Of Citations Was Not Available.
- Inadequate Arrest Warrant And DL-38 Procedures.

This report includes a summary of the District Court's receipts and disbursements of funds collected on behalf of the Commonwealth (summary). We obtained data representing the District Court's receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's district courts and used the data to create the summary in the format required by the Department of Revenue. We also evaluated the accuracy of the data as part of our audit to conclude on the District Court's compliance with certain state laws and regulations as described in the previous paragraph. Any adjustments that we considered necessary based on our audit work are disclosed in the *Audit Adjustments* line of the summary; however, the scope of our audit does not include the issuance of an opinion on the accuracy of the amounts reported in the summary.

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.

The contents of this report were discussed with the management of the District Court and, where appropriate, their response has been included in the report. We appreciate the courtesy extended by the District Court 51-3-04, Adams County, to us during the course of our audit. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.

A handwritten signature in black ink that reads "Timothy L. DeFoor". The signature is written in a cursive style with a long horizontal line extending to the left of the first letter.

Timothy L. DeFoor  
Auditor General  
February 28, 2023

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DISTRICT COURT 51-3-04  
ADAMS COUNTY  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

The Department of Auditor General is mandated by Article IV, Section 401(c) of *The Fiscal Code* (Act of April 9, 1929, P.L.343, No. 176), 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.

District Court 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.

Total disbursements during the audit period are comprised as follows:

District Court checks issued to:

Department of Revenue	<u>\$ 2,025,012</u>
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This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue.

Mark D. Beauchat served at District Court 51-3-04 for the period January 1, 2018 to December 31, 2021.

The summary of receipts and disbursements on the following page 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 summary 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.

DISTRICT COURT 51-3-04  
ADAMS COUNTY  
SUMMARY OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

Receipts:

Department of Transportation		
Title 75 Fines	\$	488,453
Motor Carrier Road Tax Fines		25
Overweight Fines		355
Commercial Driver Fines		3,750
Littering Law Fines		525
Child Restraint Fines		4,819
Department of Revenue Court Costs		277,547
Crime Victims' Compensation Bureau Costs		19,788
Crime Commission Costs/Victim Witness Services Costs		14,178
Domestic Violence Costs		4,664
Department of Agriculture Fines		8,538
Emergency Medical Service Fines		141,739
CAT/MCARE Fund Surcharges		381,815
Judicial Computer System Fees		125,810
Access to Justice Fees		69,527
Criminal Justice Enhancement Account Fees		8,876
Judicial Computer Project Surcharges		196,001
Constable Service Surcharges		12,622
Miscellaneous State Fines and Costs		<u>265,980</u>
 Total receipts		 2,025,012
 Disbursements to Commonwealth		 <u>(2,025,012)</u>
 Balance due Commonwealth (District Court) per settled reports		 -
 Audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (District Court) for the period January 1, 2018 to December 31, 2021	 <u>\$</u>	 <u>-</u>

DISTRICT COURT 51-3-04  
ADAMS COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

**Finding No. 1 - Evidence Of Authorizing The Disposition Of Citations Was Not Available**

During our audit of the district court's case files, we tested 55 cases with dispositions of not guilty, dismissed, discharged, or withdrawn, and cases that had a guilty plea disposition without an accompanying full payment. There was no evidence in 13 cases that the disposition was authorized by the Magisterial District Judge. Of the 13 cases the following was noted:

- Seven cases had no evidence in the file that the disposition was authorized by the Magisterial District Judge.
- We were unable to determine if the disposition was authorized by the Magisterial District Judge for six cases due to the case file being destroyed prior to being audited.

Good internal accounting controls ensure that there is evidence that the disposition on these cases were authorized by the Magisterial District Judge. The failure to follow this procedure increases the risk for funds to be lost or misappropriated.

Adherence to good internal controls would have ensured that there were adequate internal controls over citations.

The court staff stated that the seven cases were an oversight and missed when filing paperwork. They also stated that the six destroyed cases were due to a maintenance worker that had a master key and went into the Court's storage unit without their approval and began shredding their documents.

**Recommendation**

We recommend that the District Court maintain documentation that the Magisterial District Judge authorize the disposition of these cases and it is available for the audit.

**Management's Response**

The Magisterial District Judge responded as follows:

We understand the conclusion of the finding. We do ask that you note for this report that Magisterial District Judge (MDJ) Mark Beauchat has reviewed the cases in question. In the majority of the 13 cases identified, he has notations written on the case files in his handwriting which may appear to not make sense but are a version of his shorthand of notation regarding disposition of the case. MDJ Beauchat is declaring that he did in fact authorize the disposition of all 13 cases you have identified and believes that his notations are indeed evidence of authorizing the dispositions in the cases cited and should therefore not constitute a finding.

DISTRICT COURT 51-3-04  
ADAMS COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

**Finding No. 1 - Evidence Of Authorizing The Disposition Of Citations Was Not Available  
(Continued)**

Auditor's Conclusion

The *Magisterial District Judge Automated Office Clerical Procedures Manual* outlines the certification of disposition requirements on Non-Traffic and Traffic Citations. Evidence of authorization of the dispositions in seven cases by the Magisterial District Judge was not evident in the documentation provided to the auditor. Regarding the remaining six cases, the authorization of disposition could not be determined because the case files were missing. Without signed/authorized certification of dispositions, the risk of funds to be lost or misappropriated increases. During our next audit, we will determine if the district court complied with our recommendation.



DISTRICT COURT 51-3-04  
ADAMS COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

**Finding No. 2 - Inadequate Arrest Warrant And DL-38 Procedures**

Warrants are used to enforce the collection of monies on traffic and non-traffic cases in which defendants failed to make payments when required. A Warrant of Arrest (AOPC 417) is used to authorize an official to arrest a defendant, to collect fines and costs from the defendant after a disposition, or to collect collateral for a trial. If the defendant does not respond within ten days to a citation or summons, a Warrant of Arrest may be issued.

During our testing of warrant procedures, we noted that warrant procedures established by the *Magisterial District Judge Automated Office Clerical Procedures Manual* (Manual) were not always followed.

The Magisterial District Judge did not consistently issue warrants timely when required. We tested 23 instances in which a warrant was required to be issued timely. Our testing disclosed that eight were not issued timely. The time of issuance ranged from 67 days to 243 days.

In addition, of 23 warrants required to be returned or recalled, six were not returned or recalled, and three were not returned timely. The time of issuance to the time of return ranged from 489 days to 999 days.

Lastly, we tested 15 instances in which a DL-38 was required to be issued. Our testing disclosed that three were not issued, and six were not issued timely. The time of issuance ranged from 67 days to 956 days.

The Manual establishes the uniform written internal control policies and procedures for all district courts.

**Warrant Issuance Procedures:** The Manual states that on October 1, 1998, new warrant procedures took effect for summary cases. Amendments were made to Pa.R.Crim.P. 430, 431, 454, 455, 456, 460, 461, and 462. To comply with the new changes, the Notice of Impending Warrant (AOPC A418) was created with the purpose of informing the defendant that failure to pay the amount due or to appear for a Payment Determination Hearing will result in the issuance of an arrest warrant. The defendant is also informed that his/her response must be made within ten days of the date of the notice.

DISTRICT COURT 51-3-04  
ADAMS COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

**Finding No. 2 - Inadequate Arrest Warrant And DL-38 Procedures (Continued)**

According to Pa.R.Crim.P. 430, a warrant shall be issued in a summary case for any of the following reasons (a Notice of Impending Warrant is not necessary for the following):

- The defendant has failed to respond to a citation or summons that was served either personally or by certified mail, return receipt requested.
- The citation or summons is returned undeliverable.
- The Magisterial District Judge has reasonable grounds to believe that the defendant will not obey a summons.

**Warrant Return Procedures:** The Manual states that the Administrative Office of Pennsylvania Courts (AOPC) recommends that those in possession of arrest warrants should be notified to return warrants that have not been served. For summary traffic and non-traffic cases, outstanding warrants should be returned to the Magisterial District Judge's office within 120 days of issuance. Returned warrants can either be recorded in the Magisterial District Judge System (MDJS) as unserved, if the defendant is unable to be located; or they can be recalled for reissue, if the server has not exhausted all means of finding the defendant.

The failure to follow warrant procedures could result in uncollected fines and unpunished offenders. Additionally, the risk is increased for funds to be lost or misappropriated.

Court personnel stated the court has been short staffed and very busy, which resulted in the court not being able to review all warrants/DL-38s to determine status and conduct follow-up. Court personnel also stated that turnover rate is high, which makes it difficult to train staff.

Adherence to the uniform internal control policies and procedures, as set forth in the Manual, would have ensured that there were adequate internal controls over warrants and DL-38s.

**Recommendations**

We recommend that the district court review the tickler reports for warrants daily and take appropriate action as required by the Manual. We further recommend that the court review warrant control reports and notify police or other officials to return warrants that are unserved for 120 days for summary traffic and non-traffic cases as recommended by the Manual.

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FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
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**Finding No. 2 - Inadequate Arrest Warrant And DL-38 Procedures (Continued)**

Management's Response

The Magisterial District Judge responded as follows:

Regarding the matter of issuance, we agree regarding the importance of issuing warrants as a requirement of Rule. However, it is likely that for some of the warrants which did not pass this test, the Court system was under the yoke of a worldwide pandemic beginning in March 2020 and which continued beyond the expiration of this examination period. During this time, the Supreme Court of Pennsylvania, and the President Judge of the 51<sup>st</sup> Judicial District instituted emergency procedures which lifted certain operating conditions that would normally be required by Rule. In Adams County, efforts were made to reduce the prison population in order to reduce the risk of the inmate population becoming infected and then released into the general population, which was a very likely scenario in instances where the District Court issues a warrant for an individual who fails to respond to a citation, then enters into the jail, and is then presented to the Court, likely to be released to the public.

Regarding the matter of warrant returns, this test performed by the Auditor General is solely based upon a recommendation from the Administrative Office of Pennsylvania Courts (AOPC) which is not established in Rule, Statute or Law. The recommendation from the AOPC is for a constable to return an assigned warrant within 120 days of non-service. It is presumed this standard exists so that a Magisterial District Judge and a constable do not work in concert to conceal the existence of a warrant, with the return of the paper warrant to serve as evidence that the warrant has not simply been "buried." A notation of the return of the warrant allows for a mechanism for which the Auditor General can then measure this AOPC recommendation.

In Adams County, the Executive branch (through the Adams County Department of Emergency Services) has a warrant system in place that tracks all warrants issued in Adams County, including the Magisterial District Courts, and makes this list available to all law enforcement entities, including constables. In addition, the President Judge of Adams County has instituted a Constable Manual. Within this Manual, the Court has established that a constable who has been assigned a warrant from an MDJ shall only have 30 days of assignment provided, and after those 30 days expire, the warrant is available for service by any constable whom the court has authorized to service judicial warrants for the Adams County Courts. Lastly, system stakeholders, such as the AOPC and JNET (Pennsylvania Justice Network), are working in concert regarding warrant matters, so that warrants issued

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**Finding No. 2 - Inadequate Arrest Warrant And DL-38 Procedures (Continued)**

Management's Response (Continued)

by the District Court through the AOPC (the Judiciary) are visible to all law enforcement through JNET (a department under the control of the Executive branch who define themselves as the “Commonwealth’s primary public safety and criminal justice information broker”). There are sufficient checks and balances in place so that the intent of the AOPC recommendation is being met in Adams County, and at a more stringent standard (30 days of non-service versus 120 days of non-service).

Lastly, we would point out that in both instances of the written findings, there has been no suggestion from the Auditor General that any type of fraud has attached to their findings.

Auditor's Conclusion

We acknowledge the court’s concerns regarding the COVID-19 pandemic. Please note that we did not include any exceptions in the finding which occurred during the pandemic. Furthermore, it is imperative that warrants and DL-38s are issued and returned timely to enforce the collection of monies and mitigate the potential for fraud to occur. During our next audit, we will determine if the district court complied with our recommendations.

DISTRICT COURT 51-3-04  
ADAMS COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2018 TO DECEMBER 31, 2021

This report was initially distributed to:

**Pat Browne**  
Acting Secretary  
Pennsylvania Department of Revenue

**The Honorable H. Geoffrey Moulton, Jr.**  
Court Administrator of Pennsylvania  
Supreme Court of Pennsylvania  
Administrative Office of Pennsylvania Courts

**The Honorable Mark D. Beauchat**  
Magisterial District Judge

**The Honorable Randy L. Phiel**  
Chairperson of the Board of Commissioners

**The Honorable John Phillips**  
Controller

**Mr. Donald A. Fennimore**  
District Court Administrator

This report is a matter of public record and is available online at [www.PaAuditor.gov](http://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](mailto:news@PaAuditor.gov).