

CLERK OF THE COURT OF COMMON PLEAS/  
ADULT PROBATION AND PAROLE DEPARTMENTS  
PROTHONOTARY/CLERK OF ORPHANS' COURT

LAWRENCE COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2007 TO DECEMBER 31, 2009

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**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 statements of receipts and disbursements (Statements) of the Clerk of the Court of Common Pleas/Adult Probation and Parole Departments/Prothonotary/Clerk of Orphans' Court, Lawrence County, Pennsylvania (County Officer), for the period January 1, 2007 to December 31, 2009, 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 Commonwealth for the period ended December 31, 2009, 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 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 reporting on the Statements 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 County Officers' 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 County Officers' Statements that is more than inconsequential will not be prevented or detected by the County Officers' internal control. We consider the deficiencies described in the findings below to be significant deficiencies in internal control over reporting on the Statements:

- Inadequate Internal Controls Over Manual Receipts – Adult Probation And Parole Departments.
- Restitution Due The Office Of Victims' Services Was Not Properly Ordered To The Office Of Victims' Services - Clerk Of The Court Of Common Pleas.

Independent Auditor's Report (Continued)

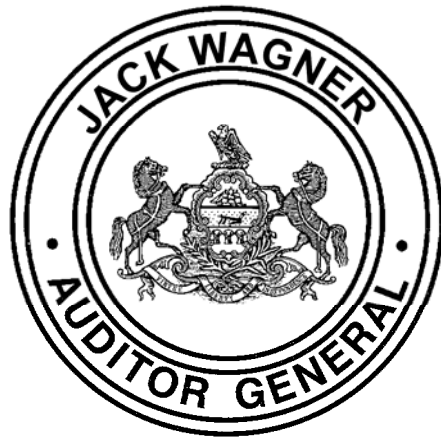
A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Statements will not be prevented or detected by the County Officers' internal control. Our consideration of the internal control over reporting on the Statements 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. However, of the significant deficiencies described above, we consider the first bulleted deficiency 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 County Officers and is not intended to be and should not be used by anyone other than these specified parties.

October 25, 2010

JACK WAGNER  
Auditor General



CLERK OF THE COURT OF COMMON PLEAS/  
ADULT PROBATION AND PAROLE DEPARTMENTS  
LAWRENCE COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Receipts:

Department of Transportation		
Title 75 Fines	\$	96,269
Department of Revenue Court Costs		34,073
Crime Victims' Compensation Costs		111,107
Crime Commission Costs/Victim Witness Services Costs		72,252
Domestic Violence Costs		8,149
Emergency Medical Services Fines		9,679
DUI - ARD/EMS Fees		20,438
CAT/MCARE Fund Surcharges		55,602
Judicial Computer System/Access to Justice Fees		28,987
Offender Supervision Fees		422,549
Constable Service Surcharges		6
Criminal Laboratory Users' Fees		5,544
Probation and Parole Officers' Firearm Education Costs		8,316
Substance Abuse Education Costs		85,964
Office of Victims' Services Costs		3,858
Miscellaneous State Fines and Costs		<u>95,602</u>
 Total receipts (Note 2)	 \$	 1,058,395
 Disbursements to Commonwealth (Note 4)		 <u>(1,058,395)</u>
 Balance due Commonwealth (County) per settled reports (Note 5)		  -
 Examination adjustment (Note 6)		  <u>2,485</u>
 Adjusted balance due Commonwealth (County) for the period January 1, 2007 to December 31, 2009		  <u><u>\$ 2,485</u></u>

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

PROTHONOTARY  
LAWRENCE COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Receipts:

Writ Taxes	\$ 3,570
Divorce Complaint Surcharges	7,950
Judicial Computer System/Access To Justice Fees	74,993
Protection From Abuse Surcharges and Contempt Fines	1,052
Criminal Charge Information System Fees	<u>3,163</u>
Total Receipts (Note 2)	90,728
Commissions (Note 3)	<u>(107)</u>
Net Receipts	90,621
Disbursements to Commonwealth (Note 4)	<u>(90,621)</u>
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	<u>-</u>
Adjusted balance due Commonwealth (County) for the period January 1, 2007 to December 31, 2009	<u><u>\$ -</u></u>

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



CLERK OF ORPHANS' COURT  
LAWRENCE COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Receipts:

Marriage License Taxes	\$	769
Marriage License Application Surcharges		15,380
Marriage License Declaration Fees		15,380
Judicial Computer System/Access To Justice Fees		<u>5,819</u>
Total Receipts (Note 2)		37,348
Disbursements to Commonwealth (Note 4)		<u>(37,348)</u>
Balance due Commonwealth (County) per settled reports (Note 5)		-
Examination adjustments		<u>-</u>
Adjusted balance due Commonwealth (County) for the period January 1, 2007 to December 31, 2009	\$	<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/  
ADULT PROBATION AND PAROLE DEPARTMENTS/  
PROTHONOTARY/CLERK OF ORPHANS' COURT  
LAWRENCE COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

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/Adult Probation And Parole Departments

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/  
ADULT PROBATION AND PAROLE DEPARTMENTS/  
PROTHONOTARY/CLERK OF ORPHANS' COURT  
LAWRENCE COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

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 \$6.50 for the period January 1, 2006 to December 31, 2007 and \$7.00 for the period January 1, 2008 to December 31, 2009. The statement of receipts and disbursements only reflects the portion collected on behalf of the AOPC.

Clerk Of Orphans' Court

Receipts consist of monies collected on behalf of the Commonwealth. These include monies collected for the following taxes, surcharges, and fees:

- The Marriage License Tax is a \$.50 tax on all marriage licenses filed with the Clerk of Orphans' Court.
- The Marriage License Application Surcharge is a \$10 surcharge imposed on all marriage license applications.
- The Marriage License Declaration Fees is a \$13 fee imposed for the issuance of a marriage license or declaration and for returns thereof to the Department of Health, \$2.50 of which shall be for the use of the county where the license is issued, and \$.50 for the use of the Commonwealth (Marriage License Tax), plus \$10 (Marriage License/Declaration Fees). The statement of receipts and disbursements only reflects the portion collected on behalf of the Commonwealth.

CLERK OF THE COURT OF COMMON PLEAS/  
 ADULT PROBATION AND PAROLE DEPARTMENTS/  
 PROTHONOTARY/CLERK OF ORPHANS' COURT  
 LAWRENCE COUNTY  
 NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2007 TO DECEMBER 31, 2009

2. Receipts (Continued)

Clerk Of Orphans' Court (Continued)

- Judicial Computer System/Access To Justice Fees represent a \$10 fee imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

3. Commissions – Prothonotary

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/Adult Probation And Parole Departments

Total disbursements are comprised as follows:

Clerk of the Court checks issued to:

Department of Revenue	\$	1,034,284
Office of Attorney General		9,181
Department of Conservation and Natural Resources		922
Department of Welfare		1,577
Office of Inspector General		7,227
State Police		5,204
Total	\$	1,058,395

CLERK OF THE COURT OF COMMON PLEAS/  
 ADULT PROBATION AND PAROLE DEPARTMENTS/  
 PROTHONOTARY/CLERK OF ORPHANS' COURT  
 LAWRENCE COUNTY  
 NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2007 TO DECEMBER 31, 2009

4. Disbursements (Continued)

Prothonotary

Total disbursements are comprised as follows:

Prothonotary checks issued to:

Department of Revenue	\$	87,458
Adminstrative Office of Pennsylvania Courts		3,163
Total	\$	90,621

Clerk Of Orphans' Court

Total disbursements are comprised as follows:

Clerk of Orphans' Court checks issued to:

Department of Revenue	\$	37,348
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5. Balance Due Commonwealth (County) For The Period January 1, 2007 To December 31, 2009

Clerk Of The Court Of Common Pleas/Adult Probation And Parole Departments/Prothonotary

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance also reflects a summary of any receipts disbursed directly to other state agencies.

Clerk Of Orphans' Court

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

CLERK OF THE COURT OF COMMON PLEAS/  
ADULT PROBATION AND PAROLE DEPARTMENTS/  
PROTHONOTARY/CLERK OF ORPHANS' COURT  
LAWRENCE COUNTY  
NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS  
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6. Examination Adjustment – Clerk Of The Court Of Common Pleas/Adult Probation And Parole Departments

The examination adjustment represents interest earned on Commonwealth funds during the examination period that was not remitted to the Department of Revenue.

7. County Officers Serving During Examination Period

Helen I. Morgan served as the Clerk of the Court of Common Pleas/Prothonotary/Clerk of Orphans' Court for the period January 1, 2007 to December 31, 2009.

William J. Mancino served as Director of the Adult Probation and Parole Departments for the period January 1, 2007 to December 13, 2007.

James R. Jendrysik served as Director of the Adult Probation and Parole Departments for the period December 14, 2007 to December 31, 2009.

ADULT PROBATION AND PAROLE DEPARTMENTS  
LAWRENCE COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Finding No. 1 - Inadequate Internal Controls Over Manual Receipts – Adult Probation And Parole Departments

Manual receipts are available to be issued in the event of a temporary power loss to the office's computer system. When the computer system is operating again, the manual receipt is replaced by an official computer-generated receipt and included in the daily receipts.

Our examination disclosed that required manual receipt procedures were not always followed. Of 25 receipts tested, we noted the following:

- There were 14 instances in which the computer receipt was not generated timely after the issuance of the corresponding manual receipt. The time lapse from the date of the manual receipt to the corresponding computer receipt ranged from 2 days to 160 days.
- There were 14 instances in which the manual receipt number was not entered into the computer system when the corresponding computer receipt was generated.

Good internal accounting controls ensure that:

- Computer receipts are generated timely after the issuance of the corresponding manual receipts.
- Manual receipt numbers are entered in the manual receipt number field on the computer when the corresponding computer receipts are generated.

These conditions existed because the office failed to establish and implement an adequate system of internal controls over manual receipts.

Without a good system of internal controls over funds received by the office, the possibility of funds being lost or misappropriated increases significantly.

Adherence to good internal accounting controls would have ensured adequate internal controls over receipts.

ADULT PROBATION AND PAROLE DEPARTMENTS  
LAWRENCE COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Finding No. 1 - Inadequate Internal Controls Over Manual Receipts – Adult Probation And Parole Departments (Continued)

Recommendation

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

Management's Response

James R. Jendrysik, the Director of the Adult Probation and Parole Departments responded as follows:

I have read the memorandum concerning the Prothonotary and Clerk of Court's audit concerning the Adult Probation Office. I believe these issues have already been identified and addressed prior to the audit in coordination with the Prothonotary and Clerk of Court's office. The Adult Probation Office's practices relating to the issue are as follows:

In the event that the AOPC [Administrative Office of Pennsylvania Courts] computer [system] is down, payments are to be entered into the AOPC [computer system] and a receipt is to be generated as soon as the system becomes available. If waiting for an MD [miscellaneous docket] number to be generated, funds should be placed into an Escrow Account and then applied (and a receipt is to be generated) as soon as the MD number has been assigned. In no case should money be kept in a safe for a prolonged period of time.

Auditor's Conclusion

During our next examination we will determine if the office complied with our recommendation.



CLERK OF THE COURT OF COMMON PLEAS  
LAWRENCE COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Finding No. 2 - Restitution Due The Office Of Victims' Services Was Not Properly Ordered To  
The Office Of Victims Services – Clerk Of The Court Of Common Pleas

The Office of Victims' Services (OVS) is a division of the Pennsylvania Commission on Crime and Delinquency, which is an agency of the Commonwealth of Pennsylvania. The OVS provides certain benefits to crime victims and their families to ease the financial burdens they may face as a result of a crime.

The OVS awards monies to assist victims for medical expenses, lost wages, and/or other financial needs. When the victim receives monies from the OVS, the victim signs an agreement indicating that they will notify and repay, to the OVS, any funds they may receive from the offender or any other source, which could include insurance companies.

18 P.S. §11.1302 states that "To the extent that restitution is ordered either prior to or subsequent to the making of an award by the Office of Victims' Services, the restitution shall be paid to the Commonwealth to the extent of the award by the Office of Victims' Services."

During our examination, we tested five cases in which a total of \$3,750 was awarded to the victim by the OVS. In all five cases, when restitution was ordered by the court, the monies were not properly assessed as due the Commonwealth.

Therefore, as of December 31, 2009, if restitution in the cases is received by the Clerk of the Court of Common Pleas, it might be erroneously paid to the victims rather than reimbursed to OVS. The five cases in which the restitution is scheduled to be paid to victims in error are as follows:

<u>CVC Claim Number</u>	<u>Clerk of the Court Docket Number</u>	<u>Amount of Award Paid To Victim</u>	<u>Date of Latest Letter</u>	<u>Restitution Scheduled To Be Paid To Victim</u>
200702784	CR-2007-000303	\$ 993	09/12/07	\$ 993
200703581	CR-2004-000082	162	10/19/07	162
200704037	CR-2007-000552	1,845	10/24/07	1,845
200807423	CR-2009-000930	350	02/04/09	350
200900440	CR-2009-000070	400	05/07/09	400
		<hr/>		<hr/>
Total		<u>\$ 3,750</u>		<u>\$ 3,750</u>

CLERK OF THE COURT OF COMMON PLEAS  
LAWRENCE COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

Finding No. 2 - Restitution Due The Office Of Victims' Services Was Not Properly Ordered To  
The Office Of Victims Services – Clerk Of The Court Of Common Pleas  
(Continued)

When restitution is paid to the victim, the victim is compensated not only by the offender, but also by the OVS. Therefore, the OVS is not reimbursed for restitution paid to the victim.

If the court orders restitution before the OVS awards restitution, the OVS should be notified so that appropriate adjustments to the award can be made.

If the OVS awards restitution, any court ordered restitution to the extent ordered by the OVS shall be paid over to the Commonwealth and reported on the Clerk of the Court of Common Pleas' monthly report to the Department of Revenue.

This condition existed because there appears to be a lack of communication between the District Attorney's office and the Clerk of the Court of Common Pleas' office with regard to whom the OVS' letters were sent to and who is responsible for processing the letters. This includes filing the letters in the appropriate case file and updating computer case file information regarding restitution.

Recommendations

We recommend that the Clerk of the Court of Common Pleas and the District Attorney's Office coordinate their efforts to assure that the Commonwealth and the victims of crime both receive their entitled collections. We further recommend that the Clerk of the Court of Common Pleas review its records and make necessary changes to ensure that monies due the OVS are assessed and remitted properly.

Management's Response

No formal response was offered at this time.

CLERK OF THE COURT OF COMMON PLEAS/  
ADULT PROBATION AND PAROLE DEPARTMENTS/  
PROTHONOTARY/CLERK OF ORPHANS' COURT  
LAWRENCE COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2007 TO DECEMBER 31, 2009

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

Mr. Thomas J. Dougherty  
Director  
Division of Grants and Standards  
Pennsylvania Board of Probation and Parole

The Honorable Helen I. Morgan	Clerk of the Court of Common Pleas/ Prothonotary/Clerk of Orphans' Court
The Honorable David Gettings	Controller
The Honorable Steve Craig	Chairman of the Board of Commissioners
The Honorable Dominick Motto	President Judge
Mr. James R. Jendrysik	Director, Adult Probation and Parole Departments

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).