

COMPLIANCE AUDIT

Clerk of the Court of
Common Pleas and Probation and Parole
Department/Prothonotary
Perry County, Pennsylvania
For the Period
January 1, 2017 to December 31, 2020

July 2022



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

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

We have conducted a compliance audit of the Clerk of the Court of Common Pleas and Probation and Parole Department/Prothonotary, Perry County, Pennsylvania (County Officers), for the period January 1, 2017 to December 31, 2020, pursuant to the requirements of Sections 401(b) and 401(d) of *The Fiscal Code*, 72 P.S. § 401(b) and § 401(d).

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 County Officers' accounts. 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 County Officers are 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 County Officers are 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.

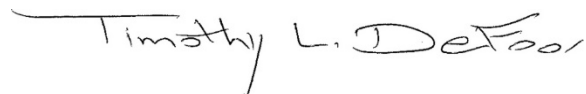
Based on our audit procedures, we conclude that, for the period January 1, 2017 to December 31, 2020, the County Officers, in all significant respects, complied with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted, except as noted in the findings listed below and discussed later in this report.

- Inadequate Accountability Over Funds Held In Escrow - Prothonotary - Recurring.

This report includes summaries of the County Officers' receipts and disbursements of funds collected on behalf of the Commonwealth (summaries). We obtained data representing the County Officer's receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's clerk of court of common pleas and prothonotary Offices and used the data to create the summaries in the format required by the Department of Revenue. We also obtain data relating to prothonotaries from the Administrative Office of Pennsylvania Courts. We also evaluated the accuracy of the data as part of our audit to conclude on the County Officers' 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 summaries; however, the scope of our audit does not include the issuance of an opinion on the accuracy of the amounts reported in the summaries.

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. his report is not suitable for any other purposes.

The contents of this report were discussed with the management of the County Officers and, where appropriate, their response has been included in the report. We appreciate the courtesy extended by the Clerk of the Court of Common Pleas and Probation and Parole Department /Prothonotary/, Perry 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
May 25, 2022

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CLERK OF THE COURT OF COMMON PLEAS AND
PROBATION AND PAROLE DEPARTMENT/PROTHONOTARY
PERRY COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

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

Clerk of Court of Common Pleas 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, and fees:

- Writ Taxes of \$.50 or \$.25 imposed on taxable instruments filed with the Prothonotary.
- Divorce Complaint Surcharges of \$10 imposed on all divorce decrees.
- Judicial Computer System/Access To Justice Fees of \$35.50 imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts. Effective October 30, 2017, Act 40 and Act 44 increased the fee to \$40.25.
- Protection From Abuse Surcharges of \$100 imposed against defendants when a protection order is granted as a result of a hearing. Protection From Abuse Contempt Fines of not less than \$300 nor more than \$1,000 imposed against a defendant who is found to be in violation of a protection from abuse order.
- Criminal Charge Information System Fees 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 statement of receipts and disbursements only reflects the portion collected on behalf of the AOPC.

CLERK OF THE COURT OF COMMON PLEAS AND
 PROBATION AND PAROLE DEPARTMENT/PROTHONOTARY
 PERRY COUNTY
 BACKGROUND
 FOR THE PERIOD
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Total disbursements during the audit period are comprised as follows

Clerk Of The Court Of Common Pleas and Probation and Parole Department

Clerk of the Court checks issued to:

Department of Revenue	\$ 1,047,832
Office of Inspector General	687
Commission on Crime & Delinquency	604
State Police	105
Total	\$ 1,049,228

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.

Prothonotary

Prothonotary checks issued to:

Department of Revenue	\$ 91,975
Administrative Office of Pennsylvania Courts	2,566
Total	\$ 94,541

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance also reflects a summary of receipts that were disbursed directly to the Administrative Office of Pennsylvania Courts. It does not reflect adjustments disclosed by our audit.

The summaries 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 summaries 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.

CLERK OF THE COURT OF COMMON PLEAS AND
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PERRY COUNTY
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Brenda J. Albright served as Clerk of the Court of Common Pleas/Prothonotary from January 1, 2017 to December 31, 2019.

Zoe Burd served as Clerk of the Court of Common Pleas/Prothonotary from January 1, 2020 to December 31, 2020.

Thomas P. Radel served as Chief Probation Officer from January 1, 2017 to February 17, 2017.

Michelle L. Orris served as Acting Chief Probation Officer from February 18, 2017 to April 16, 2017.

Roger D. Miller served as Chief Probation Officer from April 17, 2017 to December 31, 2020.

Audit Adjustment - Prothonotary

The \$75 audit adjustment represents an over payment of the prior audit amount due to the Department of Revenue.

CLERK OF THE COURT OF COMMON PLEAS AND
PROBATION AND PAROLE DEPARTMENT
PERRY COUNTY
SUMMARY OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

Receipts:

Department of Transportation		
Title 75 Fines	\$	182,663
Department of Revenue Court Costs		35,560
Crime Victims' Compensation Costs		64,816
Crime Commission Costs/Victim Witness Services Costs		45,017
Domestic Violence Costs		9,193
Emergency Medical Services Fines		8,376
DUI - ARD/EMS Fees		7,650
CAT/MCARE Fund Surcharges		23,238
Judicial Computer System/Access to Justice Fees		65,916
Offender Supervision Fees		268,677
Constable Service Surcharges		71
Criminal Laboratory Users' Fees		44,330
Probation and Parole Officers' Firearm Education Costs		7,207
Substance Abuse Education Costs		50,167
Office of Victims' Services Costs		16,969
Miscellaneous State Fines and Costs		<u>219,378</u>
 Total receipts		 1,049,228
 Disbursements to Commonwealth		 <u>(1,049,228)</u>
 Balance due Commonwealth (County) per settled reports		 -
 Audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (County) for the period January 1, 2017 to December 31, 2020	 \$	 <u><u>-</u></u>

PROTHONOTARY
PERRY COUNTY
SUMMARY OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

Receipts:

Writ Taxes	\$	1,269
Divorce Complaint Surcharges		5,270
Judicial Computer System/Access To Justice Fees		85,049
Protection From Abuse Surcharges and Contempt Fines		275
Criminal Charge Information System Fees		<u>2,566</u>
Total Receipts		94,429
Commissions		<u>(38)</u>
Net Receipts		94,391
Disbursements to Commonwealth		<u>(94,541)</u>
Balance due Commonwealth (County) per settled reports		(150)
Audit adjustments		<u>75</u>
Adjusted balance due Commonwealth (County) for the period January 1, 2017 to December 31, 2020	\$	<u><u>(75)</u></u>

CLERK OF THE COURT OF COMMON PLEAS AND
PROBATION AND PAROLE DEPARTMENT/PROTHONOTARY
PERRY COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

Finding - Inadequate Accountability Over Funds Held In Escrow - Prothonotary - Recurring

We cited the office for inadequate accountability over funds held in escrow in the four prior audits, with the most recent being for the period of January 1, 2013 to December 31, 2016. Our current audit found that the office still did not correct the issue.

Our audit disclosed that there was no accountability over funds held in escrow. As of December 31, 2020, funds on hand exceeded recorded obligations in the checking account by \$32,557.12. Additionally, our audit found that the office does not maintain a corresponding liabilities report indicating to whom the monies were due.

The office stated that this condition existed because office does not disburse landlord and master fees until the issuance of a court order which can take up to several years. Additionally, the office believed its longstanding practice of maintaining a running manual check register was sufficient in lieu of formally accounting for all liabilities.

Good internal accounting control procedures ensure that the ending adjusted bank balance is reconciled with liabilities on a monthly basis and any discrepancies are immediately investigated and resolved. Since the office bank account is essentially an escrow account on behalf of the Commonwealth, County, and other participating entities, all available funds on hand should equal unpaid obligations.

Without a good system of internal controls over funds held in escrow, the possibility of funds being lost or misappropriated increases significantly.

Recommendations

We strongly recommend that the office attempt to identify all existing liabilities associated with the office bank account and take appropriate action. Any unidentified funds should be accounted for under normal escheat procedures. Furthermore, we recommend that the office should ensure that reconciled cash equals unpaid obligations monthly.

CLERK OF THE COURT OF COMMON PLEAS AND
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PERRY COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
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**Finding - Inadequate Accountability Over Funds Held In Escrow - Prothonotary - Recurring
(Continued)**

Management's Response

The County Officer responded as follows:

Prior to 2020, I had no knowledge of the audits and/or findings. Moving forward our office will be implementing a new case management system, which should enable us the accountability of funds held in escrow.

Auditor's Conclusion

We appreciate the officeholder's effort to correct these issues. This is a recurring finding. It is imperative that officeholder takes all corrective action necessary to comply with our recommendations. During our next audit, we will determine if the office has complied with our recommendations.

CLERK OF THE COURT OF COMMON PLEAS AND
PROBATION AND PAROLE DEPARTMENT/PROTHONOTARY
PERRY COUNTY
SUMMARY OF PRIOR AUDIT RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

Summary Of Prior Audit Recommendations

During our prior audit, we recommended that:

- The Clerk of Court's office review the laws to ensure that fines, costs, and surcharges are assessed as mandated by law.
- The Prothonotary's office attempt to identify all existing liabilities associated with the office bank account and take appropriate action. Any unidentified funds should be accounted for under normal escheat procedures. Furthermore, we recommended that the office should ensure that reconciled cash equals unpaid obligations monthly.

During our current audit, we noted that the office substantially complied with our first bulleted recommendation. Insignificant exceptions were communicated verbally to the office. However, the office did not comply with our second bulleted recommendation. Please see the current year finding for additional information.

CLERK OF THE COURT OF COMMON PLEAS AND
PROBATION AND PAROLE DEPARTMENT/PROTHONOTARY
PERRY COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2017 TO DECEMBER 31, 2020

This report was initially distributed to:

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue

The Honorable H. Geoffrey Moulton, Jr.
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 Zoe Burd
Clerk of the Court of Common Pleas/Prothonotary

Mr. Roger Miller
Chief Probation Officer
Probation and Parole Department

The Honorable Brian S. Allen
Chairperson of the Board of Commissioners

The Honorable Kenneth Mumma
President Judge

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.