

COMPLIANCE AUDIT

Clerk of the Court of
Common Pleas and Adult Probation Collections
Enforcement Unit
Lancaster County, Pennsylvania
For the Period
January 1, 2018 to December 31, 2021

September 2023



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



**Commonwealth of Pennsylvania
Department of the Auditor General
Harrisburg, PA 17120-0018
Facebook: Pennsylvania Auditor General
Twitter: @PAAuditorGen
www.PaAuditor.gov**

**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

The Honorable Pat Browne
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have conducted a compliance audit of the Clerk of the Court of Common Pleas, and the Supervisor of the Adult Probation Collections Enforcement Unit, Lancaster County, Pennsylvania (County Officers), for the period January 1, 2018 to December 31, 2021, pursuant to the requirements of Section 401(b) of *The Fiscal Code*, 72 P.S. § 401(b).

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 Officer'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 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.

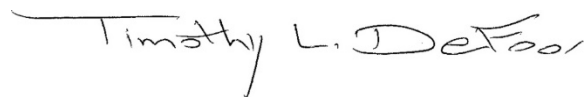
Based on our audit procedures, we conclude that, for the period January 1, 2018 to December 31, 2021, the County Officers, in all significant respects, complied with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly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

- Inadequate Outstanding Check Procedures - Clerk of Courts - Recurring.
- Inadequate Assessment of Costs, Fines, Fees, And Surcharges - Clerk of Courts.

This report includes a summary of the County Officers' receipts and disbursements of funds collected on behalf of the Commonwealth (summary). We obtained data representing the County Officers' receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's clerk of court of common pleas offices 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 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 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 County Officers and, where appropriate, their response has been included in the report. We appreciate the courtesy extended to us by the Clerk of the Court of Common Pleas and Adult Probation Supervisor of the Collections Enforcement Unit, Lancaster County, 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.



Timothy L. DeFoor
Auditor General
August 18, 2023

CONTENTS

	<u>Page</u>
Background.....	1
Summary Of Receipts And Disbursements	3
Findings And Recommendations:	
Finding No. 1 - Inadequate Outstanding Check Procedures - Clerk of Courts - Recurring	4
Finding No. 2 - Inadequate Assessment of Costs, Fines, Fees, And Surcharges - Clerk of Courts	6
Summary Of Prior Audit Recommendations.....	9
Report Distribution	10

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
 ENFORCEMENT UNIT
 LANCASTER COUNTY
 BACKGROUND
 FOR THE PERIOD
 JANUARY 1, 2018 TO DECEMBER 31, 2021

The Department of Auditor General is mandated by Article IV, Section 401(b) 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 and Adult Probation 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.

Total disbursements during the audit period are comprised as follows:

Clerk of the Court checks issued to:

Department of Revenue	\$ 8,391,023
State Police	9,058
Department of Public Welfare	6,363
Department of Labor & Industry	6,143
Office of Attorney General	5,887
Game Commission	2,954
Department of Transportation	1,380
Liquor Control Board	1,010
Department of General Services	909
Department of Insurance	500
Office of the Inspector General	215
Total	\$ 8,425,442

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 THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Jacquelin Pfursich served as the Clerk of the Court of Common Pleas for the period January 1, 2018 to August 1, 2021.

Mary Anater served as the Clerk of the Court of Common Pleas for the period August 1, 2021 to December 31, 2021.

Andrew Wagner served as the Supervisor of the Collections Enforcement Unit for the period January 1, 2018 to January 1, 2021.

Bethany Jenks served as the Supervisor of the Collections Enforcement Unit for the period March 1, 2021 to December 31, 2021.

The summary 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 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.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
 ENFORCEMENT UNIT
 LANCASTER COUNTY
 SUMMARY OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2018 TO DECEMBER 31, 2021

Receipts:

Department of Transportation		
Title 75 Fines	\$	542,242
Overweight Fines		5,294
Department of Revenue Court Costs		250,811
Crime Victims' Compensation Costs		674,331
Crime Commission Costs/Victim Witness Services Costs		476,857
Domestic Violence Costs		55,259
Emergency Medical Services Fines		93,956
DUI - ARD/EMS Fees		57,951
CAT/MCARE Fund Surcharges		324,761
Judicial Computer System/Access to Justice Fees		614,344
Offender Supervision Fees		2,191,036
Constable Service Surcharges		6,377
Criminal Laboratory Users' Fees		115,672
Probation and Parole Officers' Firearm Education Costs		52,967
Substance Abuse Education Costs		418,234
Office of Victims' Services Costs		435,224
Miscellaneous State Fines and Costs		<u>2,110,360</u>
 Total receipts		 8,425,676
 Disbursements to Commonwealth		 <u>(8,425,442)</u>
 Balance due Commonwealth (County) per settled reports		 234
 Audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (County) for the period January 1, 2018 to December 31, 2021	 \$	 <u>234</u>

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding No. 1 - Inadequate Outstanding Check Procedures - Clerk of Courts - Recurring

We cited the issue of inadequate outstanding check procedures in the prior audit for the period January 1, 2014 to December 31, 2017. Our current audit found that the office did not correct this issue.

Our audit of the office's checking account disclosed that the office was carrying 72 outstanding checks totaling \$12,110.58 dated from January 8, 2021, to July 1, 2021, that were still outstanding as of December 31, 2021. The time lapse ranged from 183 days to 357 days.

This condition existed because the office failed to establish and implement an adequate system of internal controls over outstanding checks as recommended in our previous audit report. The office stated high staff turnover has decreased their ability to handle all outstanding checks as timely as they would like.

Good internal accounting controls require that the office follow-up on all outstanding checks. If a check is outstanding for a period over 180 days, efforts should be made to locate the payee. If efforts to locate the payee are unsuccessful, the amount of the check should be removed from the outstanding checklist, added back to the checkbook balance, and subsequently held in escrow for unclaimed escheatable funds.

Without a good system of internal controls over outstanding checks, the possibility of funds being lost or misappropriated increases significantly. Also, the failure to follow-up on outstanding check procedures results in a weakening of internal controls over the cash account and inefficiency caused by the needless record-keeping of outstanding checks.

Recommendation

We strongly recommend that the office establish and implement a procedure whereby outstanding checks are reviewed monthly to determine if there are any long outstanding checks. If checks remain outstanding and attempts to contact payees after 180 days are unsuccessful, the office should reinstate the amount of outstanding checks to the checking account and subsequently hold these monies in escrow for unclaimed escheatable funds.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

**Finding No. 1 - Inadequate Outstanding Check Procedures - Clerk of Courts - Recurring
(Continued)**

Management's Response

No formal response was offered.

Auditor's Conclusion

This is a recurring finding. It is imperative that this office establishes adequate internal controls over outstanding checks. This deficiency increases the risk for funds to be lost or misappropriated. During our next audit, we will determine if the office has complied with our recommendation.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding No. 2 - Inadequate Assessment of Costs, Fines, Fees, And Surcharges - Clerk of Courts

Our Audit disclosed that the office did not assess certain fines, costs, fees, and surcharges as mandated by law. Of 59 cases tested, we noted the following discrepancies:

- There were six cases in which Crime Victims Compensation Costs was not assessed.
- There were six cases in which Victim Witness Services Costs was not assessed.
- There were four cases in which the Criminal Justice Enhancement Account Fee was not properly assessed.
- There were four cases in which the PA Transportation Trust Surcharge was not properly assessed.
- There were four cases in which the Amber Alert Cost was not assessed.
- There were three cases in which the EMS Fine was not properly assessed.
- There were two cases in which Domestic Violence Costs was not assessed.
- There were two cases in which the Substance Abuse Education Cost was not assessed.

The following state statutes address the assessment of fines, costs, fees, and surcharges that were not properly assessed:

- Title 18 P.S. § 11.1101 authorizes the collection for the Crime Victim's Compensation Cost and Victim Witness Service Cost against any person who plead guilty or nolo contendere or who was convicted of any crime or who entered a diversionary program. Crime includes violations of the Crimes Code (Title 18), violations of the Drug Act (The Controlled Substance, Drug, Device, and Cosmetic Act), and violations of 30 Pa.C.S.A. § 5502 or 5502.1, and violations of 75 Pa.C.S.A. § 3802 (previously 3731), 3732, 3735.1, or 3742.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding No. 2 - Inadequate Assessment of Costs, Fines, Fees, And Surcharges - Clerk of Courts (Continued)

- Effective November 10, 2007, Title 42 Pa.C.S. §3575 (b) provides for the collection of a \$50 Criminal Justice Enhancement Account (CJEA) Fee if a defendant accepts Accelerated Rehabilitative Disposition, is convicted of or enters a plea of guilt or nolo contendere for a felony, misdemeanor of the first degree or misdemeanor of the second degree as set forth in Title 18 PA.C.S. (relating to crimes and offenses), or is convicted of or enters a plea of guilt or nolo contendere for a violation of Title 35, Section 780-113(a)(16), known as The Controlled Substance, Drug, Device and Cosmetic Act.
- Title 75 P.S. §6506 PA Transportation Trust Surcharge, November 25, 2013, session 89 of 2013 provides for the collection of \$75 for the 1st Offense of §1543(b)(1.1) - driving while operating privilege is suspended or revoked.
- Title 35 P.S. §7025.4 provides for the collection of the Amber Alert System Cost. Unless the court finds that undue hardship would result, in addition to any other cost imposed by law, a cost of \$25 shall automatically be assessed on each person convicted, adjudicated delinquent, or granted accelerated rehabilitative disposition (ARD) of the offenses in 18 Pa.C.S. §2901 -2910.
- Title 35 P.S. §6934 authorizes the collection for the Emergency Medical Services Fine.
- Title 71 P.S. §611.13 (b) authorizes a \$10 Domestic Violence Cost to be assessed against any person who pleads guilty or nolo contendere or who is convicted of a crime as defined in 71 P.S. §611.13 (e). It should be noted that these fees should not be assessed on Accelerated Rehabilitative Disposition (ARD) cases.
- Substance Abuse Education Costs amended Title 18 by adding Section 7508. This section imposed a \$100 cost on driving under the influence (DUI) offenses and on all drug related offenses covered in the Controlled Substance, Drug, Device and Cosmetic Act. Also, effective February 1, 2004, DUI offenses in which the offender's blood alcohol level is greater than .16% require an additional \$200 cost. The cost is distributed 50/50 between the County and Commonwealth.

The improper assessing of these fines, costs, fees, and surcharges resulted in the defendant not being assessed the proper amount associated with the violation; and/or a loss of revenue to the Commonwealth and County.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding No. 2 - Inadequate Assessment of Costs, Fines, Fees, And Surcharges - Clerk of Courts (Continued)

The office stated that most of the errors resulted from charges for the lead offense that were not automatically populated by the Common Pleas Case Management System and not manually entered by staff.

Recommendation

We recommend that the office review the laws noted above and ensure that fines, costs, fees, and surcharges are assessed as mandated by law.

Management's Response

No formal response was offered at this time.

Auditor's Conclusion

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

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
SUMMARY OF PRIOR AUDIT RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Summary Of Prior Audit Recommendations

During our prior audit, we recommended that:

- The Probation and Parole Services Collections Enforcement Unit establish and implement an adequate system of internal controls over manual receipts.
- The Clerk of the Court of Common Pleas establish and implement an adequate system of internal controls over manual receipts.
- The Clerk of the Court of Common Pleas establish and implement a procedure whereby outstanding checks are reviewed monthly to determine if there are any long outstanding checks. If checks remain outstanding and attempts to contact payees after 90 days (now 180 days) are unsuccessful, the office should reinstate the amount of outstanding checks to the checking account and subsequently hold these monies in escrow for unclaimed escheatable funds.

During our current audit, we noted that the office complied with our first and second bulleted recommendations. However, the office did not comply with our third bulleted recommendation. Refer to Finding No. 1 for additional information.

CLERK OF THE COURT OF COMMON PLEAS/ADULT PROBATION COLLECTIONS
ENFORCEMENT UNIT
LANCASTER COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

This report was initially distributed to:

The Honorable Pat Browne
Secretary
Pennsylvania Department of Revenue

The Honorable Stacy Garrity
Pennsylvania State Treasurer

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 Mary Anater
Clerk of the Court of Common Pleas

Ms. Bethany Jenks
Supervisor of the Collections Enforcement Unit

The Honorable Lisa Colón
Controller

The Honorable David Ashworth
President Judge

The Honorable Ray D'Agostino
Chairperson of the Board of Commissioners

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.