### ATTESTATION ENGAGEMENT

Clerk of the Court of
Common Pleas/Prothonotary/
Recorder of Deeds/
Register of Wills/
Clerk of Orphans' Court

Forest County, Pennsylvania
For the Period
January 1, 2013 to December 31, 2016

May 2018



Commonwealth of Pennsylvania Department of the Auditor General

Eugene A. DePasquale • Auditor General



Commonwealth of Pennsylvania
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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 statements of receipts and disbursements (Statements) of the Clerk of the Court of Common Pleas/Prothonotary/Register of Wills/Recorder of Deeds/Clerk of Orphans Court, Forest County, Pennsylvania (County Officer), for the period January 1, 2013 to December 31, 2016, pursuant to the requirements of Sections 401(b) and 401(d) of *The Fiscal Code*, 72 P.S. § 401(b) and § 401(d). The County Offices' management is responsible for presenting these statements in accordance with the criteria set forth in Note 1. 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Statements are in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the statements 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 Statements, 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 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*.

#### <u>Independent Auditor's Report (Continued)</u>

In our opinion, the Statements referred to above, for the period January 1, 2013 to December 31, 2016, are 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 Statements; 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 Statements. 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 Statements are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Statements or on compliance and other matters; accordingly, we express no such opinions.

Our consideration of internal control over reporting on the Statements was for the limited purpose of expressing an opinion on whether the Statements are presented in accordance with the criteria described above and was not designed to identify all deficiencies in internal control over reporting on the Statements that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described below, we identified a certain deficiency in internal control that we consider to be a material weakness.

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 Statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies listed below to be material weaknesses.

• Inadequate Internal Controls Over The Bank Account - Prothonotary.

As part of obtaining reasonable assurance about whether the Statements are free from material misstatement, we performed tests of the County Office'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*.

#### <u>Independent Auditor's Report (Continued)</u>

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 Clerk of the Court of Common Pleas/Prothonotary/Register of Wills/Recorder of Deeds/ Clerk of Orphans Court, Forest 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.

April 25, 2018

Eugene A. DePasquale Auditor General

Eugraf: O-Pasper

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## CLERK OF THE COURT OF COMMON PLEAS FOREST COUNTY

## STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

#### JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Receipts:

Department of Transportation	
Title 75 Fines	\$ 26,979
Department of Revenue Court Costs	4,385
Crime Victims' Compensation Costs	10,814
Crime Commission Costs/Victim Witness Services Costs	9,111
Domestic Violence Costs	894
Emergency Medical Services Fines	1,257
DUI - ARD/EMS Fees	2,717
CAT/MCARE Fund Surcharges	7,651
Judicial Computer System/Access to Justice Fees	7,445
Offender Supervision Fees	35,382
Criminal Laboratory Users' Fees	3,314
Probation and Parole Officers' Firearm Education Costs	881
Substance Abuse Education Costs	7,433
Office of Victims' Services Costs	543
Miscellaneous State Fines and Costs	 21,338
Total receipts (Note 2)	140,144
Disbursements to Commonwealth (Note 4)	 (140,144)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	 -
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ -

## PROTHONOTARY FOREST COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Receipts:

Writ Taxes	\$ 121
Divorce Complaint Surcharges	410
Judicial Computer System/Access To Justice Fees	7,930
Protection From Abuse Surcharges and Contempt Fines	612
Criminal Charge Information System Fees	 105
Total Receipts (Note 2)	9,178
Commissions (Note 3)	(4)
Net Receipts	9,174
Disbursements to Commonwealth (Note 4)	(9,174)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	 
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ 

#### RECORDER OF DEEDS FOREST COUNTY REALTY TRANSFER TAXES

#### STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

Receipts:	
Realty Transfer Taxes (Note 2)	\$ 866,385
Disbursements to Commonwealth (Note 4)	 (866,385)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	 
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ 

### RECORDER OF DEEDS FOREST COUNTY

## WRIT TAXES AND JUDICIAL COMPUTER SYSTEM/ACCESS TO JUSTICE FEES STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

#### JANUARY 1, 2013 TO DECEMBER 31, 2016

<b>T</b>	• .
RA	opinte.
1//	ceipts:

Writ Taxes	\$ 2,523
Judicial Computer System/Access To Justice Fees	 121,355
Total Receipts (Note 2)	123,878
Commissions (Note 3)	 (76)
Net Receipts	123,802
Disbursements to Commonwealth (Note 4)	 (123,802)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ 

#### REGISTER OF WILLS FOREST COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

### Receipts:

Total Receipts (Note 2)	\$ 727,329
Disbursements and credits to Commonwealth (Note 4)	 (727,329)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	 
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ -

## CLERK OF ORPHANS' COURT FOREST COUNTY STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Receipts:

Marriage License Taxes	\$ 71
Marriage License Application Surcharges	1,420
Marriage License Declaration Fees	1,420
Judicial Computer System/Access To Justice Fees	 3,846
Total Receipts (Note 2)	6,757
Disbursements to Commonwealth (Note 4)	 (6,757)
Balance due Commonwealth (County) per settled reports (Note 5)	-
Examination adjustments	 
Adjusted balance due Commonwealth (County) for the period January 1, 2013 to December 31, 2016	\$ <u>-</u>

## NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 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

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 \$23.50 fee imposed for the filing of any legal paper to initiate a civil action or proceeding. Effective July 10, 2014, Act 126 increased the fee to \$33.50. Effective August 8, 2014, Act 113 increased the fee to \$35.50.

## NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 2. <u>Receipts (Continued)</u>

#### Prothonotary (Continued)

- Protection From Abuse Surcharges represent a \$100 surcharge imposed against defendants when a protection order is granted as a result of a hearing. Protection From Abuse Contempt Fines represent 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 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 \$7.50 for the period January 1, 2011 to December 31, 2014. In January 2015, the fee was increased to \$8. The statement of receipts and disbursements only reflects the portion collected on behalf of the AOPC.

#### Recorder Of Deeds

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

- The Pennsylvania Realty Transfer Tax is a documentary stamp tax of 1 percent on the value of the interest in real property transferred by deed.
- Writ Taxes represent a \$.50 tax imposed on various types of documents and a \$10 tax on notary public commissions processed through the office.
- Judicial Computer System/Access To Justice Fees represent a \$23.50 fee imposed for each filing of deeds in any form, mortgages, mortgage assignments, mortgage releases, mortgage satisfaction pieces, installment sales agreements, leases for a term of 30 years or longer, and easements. Effective July 10, 2014, Act 126 increased the fee to \$33.50. Effective August 8, 2014, Act 113 increased the fee to \$35.50.

#### NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

### Register Of Wills

Receipts (Continued)

2.

Receipts consist of monies collected on behalf of the Commonwealth less commissions on these monies. These include monies collected for the following taxes and fees:

- Inheritance Taxes represent inheritance taxes filed with the Register of Wills.
- Judicial Computer System/Access To Justice Fees represent a \$23.50 fee imposed for the initiation of any civil action or legal proceeding, including the filing of petitions for grants of letters, and first filing in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts. Effective July 10, 2014, Act 126 increased the fee to \$33.50. Effective August 8, 2014, Act 113 increased the fee to \$35.50.

For the purpose of reporting the collection of Judicial Computer System/Access To Justice Fees to the Department of Revenue, the office combined the Register of Wills and Clerk of Orphans' Court collections and reported them on the Clerk of Orphans' Court's monthly report. Therefore, the amount reported on the Clerk of Orphans' Court's statement of receipts and disbursements includes the fees collected for the office of the Register of Wills.

#### 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.

## NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 2. Receipts (Continued)

#### Clerk Of Orphans' Court (Continued)

- 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.
- Judicial Computer System/Access To Justice Fees represent a \$23.50 fee imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts. Effective July 10, 2014, Act 126 increased the fee to \$33.50. Effective August 8, 2014, Act 113 increased the fee to \$35.50.

#### 3. <u>Commissions</u>

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.

Acting in the capacity of an agent for the Commonwealth, the Recorder of Deeds/Register of Wills is authorized to collect a commission on the Commonwealth portion of taxes as follows:

T	$\sim$ · ·
Tov	('ommiggion
Tax	Commission

Realty Transfer

Writ

3%

Inheritance

4.25% \$1.00 to \$200,000.00

1.75% next \$800,000.00

.50% thereafter

Recorder of Deeds commissions of \$8,664 for Realty Transfer Taxes and Register of Wills commissions of \$28,782 for Inheritance Taxes were paid to the County by the Department of Revenue, which are not reflected in the Statements.

#### NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 4. Disbursements

#### Clerk Of The Court Of Common Pleas

Total disbursements are comprised as follows:

Clerk of the Court checks issued to:

Department of Revenue	\$ 139,387
Department of Transportation	 757
Total	\$ 140,144

#### **Prothonotary**

Total disbursements are comprised as follows:

Prothonotary checks issued to:

Department of Revenue	\$ 9,069
Adminstrative Office of Pennsylvania Courts	 105
Total	\$ 9,174

#### NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

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Recorder Of Deeds

#### **Realty Transfer Taxes**

The Recorder of Deeds participates in the Department of Revenue's cash management system for Realty Transfer Taxes. Under this system, the "Agent" deposits Realty Transfer Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes.

Total disbursements are comprised as follows:

Deposits into the Department of Revenue's cash management account

\$ 866,385

#### Writ Taxes And Judicial Computer System/Access To Justice Fees

Total disbursements are comprised as follows:

Recorder of Deeds checks issued to:

Department of Revenue

\$ 123,802

## NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD

JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 4. Disbursements (Continued)

Register Of Wills

#### **Inheritance Taxes**

The Register of Wills participates in the Department of Revenue's cash management system for Inheritance Taxes. Under this system, the "Agent" deposits Inheritance Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes.

Total disbursements are comprised as follows:

Deposits into the Department of Revenue's cash management account

\$ 727,329

#### Clerk Of Orphans' Court

Total disbursements are comprised as follows:

Clerk of Orphans' Court checks issued to:

Department of Revenue

\$ 6,757

## 5. <u>Balance Due Commonwealth (County) For The Period January 1, 2013 To December 31, 2016</u>

#### Clerk Of The Court Of Common Pleas/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.

#### Recorder of Deeds/Register of Wills/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/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILLS/CLERK OF ORPHANS' COURT FOREST COUNTY NOTES TO THE STATEMENTS OF RECEIPTS AND DISBURSEMENTS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### 6. County Officer Serving During Examination Period

Dawn M. Millin served as the Clerk of the Court of Common Pleas/Prothonotary/Recorder of Deeds/Register of Wills/Clerk of Orphans Court for the period January 1, 2013 to December 31, 2016.

#### CLERK OF THE COURT OF COMMON PLEAS/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILL/CLERK OF ORPHANS' COURT FOREST COUNTY FINDING AND RECOMMENDATION FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Finding - Inadequate Internal Controls Over The Bank Account - Prothonotary

Our examination of the accounting records for the Prothonotary's office disclosed the following deficiencies in the internal controls over the bank account:

- Bank reconciliations were not prepared.
- There was a \$60 difference between the adjusted bank balance and the adjusted book balance that could not be explained.
- There was inadequate accountability over funds held in escrow. Funds on hand failed to meet recorded obligations by approximately \$377.

A good system of internal controls ensures that:

- Bank statements are reconciled to the book balance on a monthly basis and any discrepancies are immediately investigated and resolved.
- The ending adjusted bank balance is reconciled with liabilities on a monthly basis
  and any discrepancies are immediately investigated and resolved. Since the bank
  account of the office 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 the bank account, the possibility of funds being lost or misappropriated increases significantly.

#### CLERK OF THE COURT OF COMMON PLEAS/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILL/CLERK OF ORPHANS' COURT FOREST COUNTY FINDING AND RECOMMENDATION FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Finding - Inadequate Internal Controls Over The Bank Account - Prothonotary (Continued)

These conditions existed because the office failed to establish adequate internal controls over its bank and escrow accounts.

#### Recommendation

We recommend that the office establish and implement an adequate system of internal controls over the bank and escrow accounts as noted above.

#### Management's Response

The Prothonotary responded as follows:

I understand and will work to correct.

#### Auditor's Conclusion

During our next examination, we will determine if the office complied with our recommendation. We strongly recommend that the office take all corrective actions necessary to comply with our recommendation. The risk of lost or misappropriated funds continues to exist as long as these deficiencies exist.

# CLERK OF THE COURT OF COMMON PLEAS/ PROTHONOTARY/RECORDER OF DEEDS/ REGISTER OF WILL/CLERK OF ORPHANS' COURT FOREST COUNTY REPORT DISTRIBUTION FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

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

#### Mr. Thomas J. Dougherty

Director
Division of Grants and Standards
Pennsylvania Board of Probation and Parole

#### The Honorable Dawn M. Millin

Clerk of the Court of Common Pleas/Prothonotary/Recorder of Deeds/Register of Wills/Clerk of Orphans Court

#### The Honorable Maureen A. Skerda

President Judge of the 37<sup>th</sup> Judicial District

#### The Honorable Robert J. Snyder, Jr.

Chairperson of the Board of Commissioners

This report is a matter of public record and is available online at <a href="www.PaAuditor.gov">www.PaAuditor.gov</a>. 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: <a href="mailto:news@PaAuditor.gov">news@PaAuditor.gov</a>.