



DISTRICT COURT 07-1-07

BUCKS COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2005 TO DECEMBER 31, 2007

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## Independent Auditor's Report

The Honorable Stephen H. Stetler  
Secretary  
Pennsylvania Department of Revenue  
Harrisburg, PA 17128

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 07-1-07, Bucks County, Pennsylvania (District Court), for the period January 1, 2005 to December 31, 2007, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c). This Statement is the responsibility of the District Court's management. Our responsibility is to express an opinion on this Statement 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 Statement 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 Section 401(c) of *The Fiscal Code* 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. *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 Section 401(c) of *The Fiscal Code*.

### Independent Auditor's Report (Continued)

In our opinion, the Statement referred to above presents, in all material respects, the operations of the District Court as it pertains to receipts made on behalf of the Commonwealth for the period ended December 31, 2007, 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 Statement 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 Statement is 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 Statement 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 District Court's 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 District Court's Statement that is more than inconsequential will not be prevented or detected by the District Court's internal control.

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 Statement will not be prevented or detected by the District Court's internal control.

Our consideration of internal control over reporting on the Statement was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any significant deficiencies or material weaknesses, as defined above, in internal control over reporting on the Statement.

Independent Auditor's Report (Continued)

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note an other matter that, while not required to be included in this report by *Government Auditing Standards*, has/have been included in the finding below:

- Local Ordinance Code Improperly Utilized In Lieu Of Related State Statute.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the District Court and is not intended to be and should not be used by anyone other than these specified parties.

October 9, 2008

JACK WAGNER  
Auditor General



DISTRICT COURT 07-1-07  
BUCKS COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2007

Receipts:

Department of Transportation		
Title 75 Fines	\$ 310,970	
Motor Carrier Road Tax Fines	475	
Overweight Fines	1,282	
Commercial Driver Fines	1,269	
Littering Law Fines	1,039	
Child Restraint Fines	859	
Department of Revenue Court Costs	293,940	
Crime Victims' Compensation Bureau Costs	50,495	
Crime Commission Costs/Victim Witness Services Costs	36,461	
Department of Public Welfare		
Domestic Violence Costs	11,064	
Attend Care Fines	1,709	
Department of State Fines	6,000	
Emergency Medical Service Fines	135,024	
CAT/MCARE Fund Surcharges	410,240	
Judicial Computer System Fees	148,030	
Access to Justice Fees	34,406	
Constable Service Surcharges	22,964	
Department of Labor and Industry Fines	240	
Miscellaneous State Fines	250	
	<hr/>	
Total receipts (Note 2)	\$ 1,466,717	
Disbursements to Commonwealth (Note 3)	<hr/>	(1,466,717)
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments (Exhibit 1)	<hr/>	737
Adjusted balance due Commonwealth (District Court) for the period January 1, 2005 to December 31, 2007	<hr/> <hr/>	\$ 737

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



DISTRICT COURT 07-1-07  
BUCKS COUNTY  
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2007

1. Criteria

The Statement 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 Statement 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.

2. Receipts

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.

3. Disbursements

Total disbursements are comprised as follows:

District Court checks issued to:

Department of Revenue	<u>\$ 1,466,717</u>
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4. Balance Due Commonwealth (District Court) For The Period January 1, 2005 To December 31, 2007

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

5. Magisterial District Judge Serving During Examination Period

Joseph P. Falcone served at District Court 07-1-07 for the period January 1, 2005 to December 31, 2007.

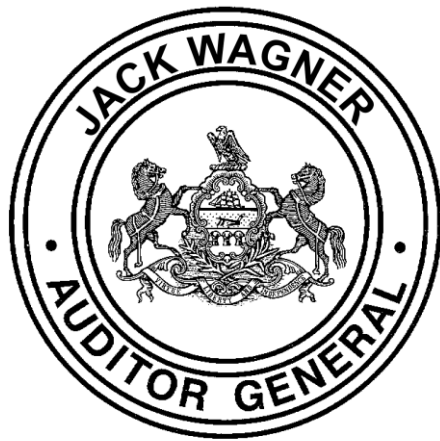
DISTRICT COURT 34-3-01  
 SUSQUEHANNA COUNTY  
 EXHIBIT 1  
 FOR THE PERIOD  
 JANUARY 1, 2005 TO DECEMBER 31, 2007

Exhibit 1 - Schedule Of Reporting Errors And Examination Adjustments

	<u>Docket Number</u>	<u>Receipt Date</u>	<u>State or Local Arrest</u>	<u>Ordinance Cited per Arresting Officer **</u>	<u>Section Violated per State Statute</u>	<u>Total Balance Due</u>
1	NT-0089-05	02/15/05	L	2001-22	7721	\$ 150.00
2	NT-0090-05	03/21/05	L	2001-22	7721	12.00
3	NT-0091-05	04/25/05	L	2001-22	7721	12.50
4	NT-0093-05	04/25/05	L	2001-22	7721	12.50
5	NT-0094-05	02/17/05	L	2001-22	7721	150.00
6	NT-0589-05	08/16/05	L	2001-22	7721	150.00
7	NT-0672-06	09/22/06 *	L	2001-22	7721	50.00
8	NT-0676-06	09/18/06	L	2001-22	7721	150.00
9	NT-1157-06	01/29/07	L	2001-22	7721	50.00
						\$ 737.00

\* - Multiple payments were made on this case. Only the last payment date is reflected.

\*\* - The local ordinance was cited by the arresting officer. However, this violation is part of Title 75 of the *Vehicle Code*, which cannot be superseded.



DISTRICT COURT 07-1-07  
 BUCKS COUNTY  
 FINDING AND RECOMMENDATION  
 FOR THE PERIOD  
 JANUARY 1, 2005 TO DECEMBER 31, 2007

Finding - Local Ordinance Code Improperly Utilized In Lieu Of Related State Statute

We noted that the Bensalem Township Police were issuing citations for traffic violations using local ordinance codes in lieu of Motor Vehicle Code 75 Pa. C.S.A. Section 7721, operating an ATV for recreational use on a public highway. Our examination disclosed a total of ten cases in which a local ordinance superseded the state statute. Information pertaining to nine of the traffic violations is summarized below. One case was expunged and not available for testing.

<u>Municipality</u>	<u>Number of Cases Filed by Police</u>	<u>Number of Cases In Which Payment Was Made</u>	<u>Balance Due The Dept. of Revenue</u>
Bensalem	9	9	<u>\$ 737</u>

Because traffic citations were issued under local ordinances and not under state statute, all fines which were assessed and collected were remitted to the local municipality which made the arrest. If these traffic arrests were issued under the state statute, the Commonwealth would have been entitled to 50 percent of the fines assessed and collected as indicated by Title 75 of the *Vehicle Code*. Additionally, the amount of the fines assessed in accordance with the local ordinance, differs from the amount dictated by Title 75 of the *Vehicle Code*. It should be noted that the balance due the Department of Revenue represents one half of the total amount collected on the local ordinance, as opposed to the fine that would have been charged if the proper motor vehicle code section would have been cited. See Exhibit 1 of this report for a complete listing of the balance due cases. Also, since the Catastrophic Fund Surcharges and the Emergency Medical Services Fines are not assessed on local ordinances, there was an additional loss of revenue to the Commonwealth of approximately \$270 and \$90, respectively.

Local ordinances were cited in lieu of state statutes because the local police were following their respective Local Ordinance Code instead of Title 75 of the *Vehicle Code*.

Title 75 Pa. C.S. subsection 6301 states in part, “when the same conduct is proscribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance.”

Recommendation

We recommend that the Bensalem Township Police issue citations for operating an ATV for recreational use on a public highway in accordance with Motor Vehicle Code 75 Pa. C.S.A. Section 7721.

DISTRICT COURT 07-1-07  
BUCKS COUNTY  
FINDING AND RECOMMENDATION  
FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2007

Finding - Local Ordinance Code Improperly Utilized In Lieu Of Related State Statute  
(Continued)

Management's Response

No formal response was offered at this time.

DISTRICT COURT 07-1-07  
BUCKS COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2007

This report was initially distributed to:

The Honorable Stephen H. Stetler  
Secretary  
Pennsylvania Department of Revenue

The Honorable Zygmunt Pines  
Court Administrator of Pennsylvania  
Administrative Office of Pennsylvania Courts

District Court 07-1-07  
Bucks County  
142 Centre Street  
Penndel, PA 19047

The Honorable Daniel Baranoski	Magisterial District Judge
Douglas R. Praul, Esquire	District Court Administrator
The Honorable Charles H. Martin	Chairperson of the Board of Commissioners
The Honorable Ray McHugh	Controller
Mr. Fred Harran	Director of Public Safety, Bensalem Township Police Department

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).