



DISTRICT COURT 11-3-08

LUZERNE 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 11-3-08, Luzerne County, Pennsylvania, 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*.

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.

February 27, 2009

JACK WAGNER  
Auditor General



DISTRICT COURT 11-3-08  
 LUZERNE COUNTY  
 STATEMENT OF RECEIPTS AND DISBURSEMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2005 TO DECEMBER 31, 2007

Receipts:

Department of Transportation		
Title 75 Fines	\$ 437,752	
Motor Carrier Road Tax Fines	103	
Overweight Fines	1,150	
Commercial Driver Fines	8,943	
Littering Law Fines	864	
Child Restraint Fines	365	
Department of Revenue Court Costs	201,553	
Crime Victims' Compensation Bureau Costs	31,756	
Crime Commission Costs/Victim Witness Services Costs	22,923	
Department of Public Welfare		
Domestic Violence Costs	7,965	
Attend Care Fines	137	
Department of Agriculture Fines	566	
Fish and Boat Commission Fines	576	
Game Commission Fines	2,762	
Emergency Medical Service Fines	98,479	
CAT/MCARE Fund Surcharges	338,970	
Judicial Computer System Fees	104,690	
Access to Justice Fees	24,028	
Constable Service Surcharges	15,248	
Firearm Education and Training Costs	15	
State Police Crime Lab Fees	420	
Miscellaneous State Fines	200	
	<hr/>	
Total receipts (Note 2)		\$ 1,299,465
Disbursements and credits to Commonwealth (Note 3)		<hr/> <u>(1,299,465)</u>
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments		<hr/>
Adjusted balance due Commonwealth (District Court) for the period January 1, 2005 to December 31, 2007		<hr/> <u>\$ -</u>

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

DISTRICT COURT 11-3-08  
 LUZERNE 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 And Credits

Total disbursements and credits are comprised as follows:

District Court checks issued to:

Department of Revenue	\$ 1,299,389
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Credit taken on the current examination for  
the prior audit period:

January 1, 2002 to December 31, 2004	76
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Total	<u><u>\$ 1,299,465</u></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

Diana Malast served at District Court 11-3-08 for the period January 1, 2005 to December 31, 2007.



DISTRICT COURT 11-3-08  
LUZERNE COUNTY  
COMMENT  
FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2007

Comment - Compliance With Prior Audit Recommendations

During our prior audit, we recommended:

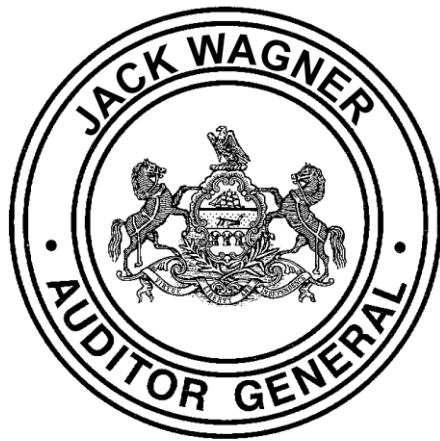
- That the office not destroy citations until after they have been subject to audit by the Department of the Auditor General.
- That the office review the tickler reports for warrants and DL-38s daily and take appropriate action as required by the *Magisterial District Judge Automated Office Clerical Procedures Manual*.

During our current examination, we noted that the office complied with our recommendations.

During our prior audit, we also recommended:

- That the district court review the undisbursed funds report on a monthly basis and disburse funds to whom they are due.

Our current examination found that the office substantially complied with our prior audit recommendation. Insignificant instances of noncompliance were verbally communicated to the office.



DISTRICT COURT 11-3-08  
LUZERNE 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 11-3-08  
Luzerne County  
62 Maffett Street  
Plains, PA 18705

The Honorable Diana Malast	Magisterial District Judge
Ms. Kathleen L. Hubbard	Special Courts Administrator
Mr. Anthony Martinelli	Acting Controller
The Honorable Maryanne Petrilla	Chairwoman of the Board of Commissioners
Mr. Jerome T. Matlowski, CPA	Consultant to the Special Courts

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).