



DISTRICT COURT 12-2-04

DAUPHIN COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2004 TO DECEMBER 31, 2006

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Independent Auditor's Report

Mr. Steven H. Stetler
Acting Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 12-2-04, Dauphin County, Pennsylvania (District Court), for the period January 1, 2004 to December 31, 2006, 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, 2006, 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)

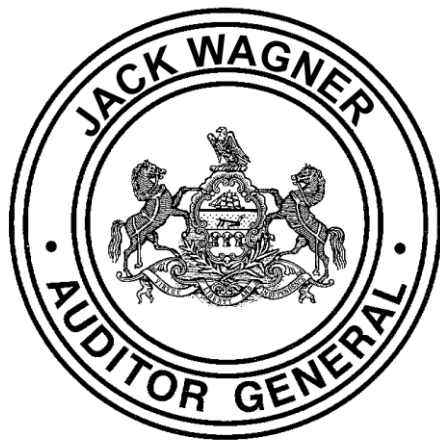
The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note an other matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in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

- Constable Utilized By The Court Was Not Properly Certified.

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.

August 21, 2008

JACK WAGNER
Auditor General



DISTRICT COURT 12-2-04
 DAUPHIN COUNTY
 STATEMENT OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2004 TO DECEMBER 31, 2006

Receipts:

Department of Transportation		
Title 75 Fines	\$	69,887
Motor Carrier Road Tax Fines		100
Overweight Fines		1,475
Littering Law Fines		150
Child Restraint Fines		630
Department of Revenue Court Costs		106,020
Crime Victims' Compensation Bureau Costs		8,623
Crime Commission Costs/Victim Witness Services Costs		6,159
Domestic Violence Costs		2,355
Emergency Medical Service Fines		17,786
CAT/MCARE Fund Surcharges		53,966
Judicial Computer System Fees		52,555
Access to Justice Fees		11,777
Constable Service Surcharges		16,063
Firearm Education and Training Costs		<u>280</u>
 Total receipts (Note 2)	 \$	 347,826
 Disbursements to Commonwealth (Note 3)		 <u>(347,850)</u>
 Balance due Commonwealth (District Court) per settled reports (Note 4)		 (24)
 Examination adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (District Court) for the period January 1, 2004 to December 31, 2006	 \$	 <u><u>(24)</u></u>

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

DISTRICT COURT 12-2-04
DAUPHIN COUNTY
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2004 TO DECEMBER 31, 2006

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:

Checks issued to the Department of Revenue	\$ <u>347,850</u>
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4. Balance Due Commonwealth (District Court) For The Period January 1, 2004 To December 31, 2006

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

5. Magisterial District Judge Serving During Examination Period

Robert Jennings, III served at District Court 12-2-04 for the period January 1, 2004 to December 31, 2006.

DISTRICT COURT 12-2-04
DAUPHIN COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2004 TO DECEMBER 31, 2006

Finding - Constable Utilized By The Court Was Not Properly Certified

During our testing of constables utilized by the court, we noted that one of the constables was not properly certified as required by the Pennsylvania Commission on Crime and Delinquency (PCCD) for the calendar year 2006. Review of the services performed by the constable indicated that services were performed on approximately 1,102 cases and the constable was paid approximately \$16,073 during the calendar year 2006.

Title 42 Pa C.S.A. Section 2941(a) provides that:

No constable or deputy constable shall perform any judicial duties nor demand or receive any fee, surcharge or mileage provided by this subchapter unless he has been certified under this subchapter.

By utilizing this constable, the court was not in compliance with Title 42 Pa C.S.A. Section 2941(a).

It appears that the constable was certified for calendar year 2004 and 2005. However, the court did not check each year to verify that the constable's certification was still active. As a result, the court continued to utilize this constable for calendar year 2006.

Recommendation

We recommend that the court verify that all constables utilized by the court are properly certified in accordance with Title 42 Pa C.S.A. Section 2941(a) prior to obtaining their services.

Management's Response

The Magisterial District Judge responded as follows:

It is the understanding that this finding refers to process having been assigned to a certain constable in 2006.

As indicated in Attachment I, the system through which process is assigned will not allow the assignment to anyone who is not certified. The appropriate notification appears on the bottom of the report, and will not allow the assignment to continue. The Magisterial Judges' Offices have no other indication of any problems with certification of constables.

Additionally, it appears that if there was any gap in this constable's certification, that this was matter between his insurance notification process and the Dauphin County Clerk of Court's office.

DISTRICT COURT 12-2-04
DAUPHIN COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2004 TO DECEMBER 31, 2006

Finding - Constable Utilized By The Court Was Not Properly Certified (Continued)

Auditor's Conclusion

While it is true that the computer system prevents the assignment of process to anyone who is not certified, the implementation of this control did not occur until April 16, 2007, which was subsequent to our examination period.

DISTRICT COURT 12-2-04
DAUPHIN COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2004 TO DECEMBER 31, 2006

This report was initially distributed to:

Mr. Steven H. Stetler
Acting Secretary
Pennsylvania Department of Revenue

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

District Court 12-2-04
Dauphin County
1805 North Cameron Street
Harrisburg, PA 17103

The Honorable Robert Jennings, III	Magisterial District Judge
The Honorable Marie E. Rebuck	Controller
The Honorable Jeff Haste	Chairman of the Board of Commissioners
Carolyn Crandall Thompson, Esquire	District Court Administrator

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.