



DISTRICT COURT 30-3-06

CRAWFORD COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2007 TO DECEMBER 31, 2010

CONTENTS

| | <u>Page</u> |
|--|-------------|
| Independent Auditor's Report..... | 1 |
| Financial Section: | |
| Statement Of Receipts And Disbursements..... | 5 |
| Notes To The Statement Of Receipts And Disbursements..... | 6 |
| Finding And Recommendations: | |
| Finding - Failure To Follow The <i>Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines Procedures</i> | 7 |
| Observation | 9 |
| Report Distribution | 11 |



**Department of the Auditor General
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania 17120-0018**

**JACK WAGNER
AUDITOR GENERAL**

Independent Auditor's Report

The Honorable Daniel P. Meuser
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 30-3-06, Crawford County, Pennsylvania (District Court), for the period January 1, 2007 to December 31, 2010, 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.

Except as discussed in the fourth paragraph, 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)

As discussed in the Finding and Recommendations section of the examination report, certain case files were not available for the examination. Without the presence of these records, we could not perform our standard examination testing. As a result, the scope of our examination of the District Court's statement of receipts and disbursements was limited, and we were unable to satisfy ourselves by other examination procedures.

In our opinion, except for the effects of the matters noted in the preceding paragraph, if any, 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, 2010, 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. We consider the deficiency described in the finding below to be a significant deficiency in internal control over the reporting on the Statement:

- Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines* Procedures.

Independent Auditor's Report (Continued)

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 the internal control over reporting on the Statement would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. We consider the significant deficiency described above to be a material weakness.

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.

December 6, 2011

JACK WAGNER
Auditor General



DISTRICT COURT 30-3-06
CRAWFORD COUNTY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

Receipts:

| | | |
|---|----|-----------------|
| Department of Transportation | | |
| Title 75 Fines | \$ | 173,878 |
| Motor Carrier Road Tax Fines | | 50 |
| Overweight Fines | | 1,950 |
| Littering Law Fines | | 1,864 |
| Child Restraint Fines | | 585 |
| Department of Revenue Court Costs | | 100,240 |
| Crime Victims' Compensation Bureau Costs | | 38,140 |
| Crime Commission Costs/Victim Witness Services Costs | | 27,286 |
| Domestic Violence Costs | | 9,443 |
| Department of Agriculture Fines | | 4,540 |
| Emergency Medical Service Fines | | 32,166 |
| CAT/MCARE Fund Surcharges | | 101,205 |
| Judicial Computer System Fees | | 46,902 |
| Access to Justice Fees | | 12,186 |
| Criminal Justice Enhancement Account Fees | | 1,153 |
| Judicial Computer Project Surcharges | | 5,273 |
| Constable Service Surcharges | | 4,658 |
| Miscellaneous State Fines | | 47,112 |
| | | <hr/> |
| Total receipts (Note 2) | | 608,631 |
| Disbursements to Commonwealth (Note 3) | | <hr/> (608,631) |
| Balance due Commonwealth (District Court) per settled reports (Note 4) | | - |
| Examination adjustments | | <hr/> - |
| Adjusted balance due Commonwealth (District Court) for the period January 1, 2007 to December 31, 2010 | \$ | <hr/> <hr/> - |

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

DISTRICT COURT 30-3-06
CRAWFORD COUNTY
NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

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>608,631</u> |
|-----------------------|-------------------|

4. Balance Due Commonwealth (District Court) For The Period January 1, 2007 To December 31, 2010

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

5. Magisterial District Judge Serving During Examination Period

Amy L. Nicols served at District Court 30-3-06 for the period January 1, 2007 to December 31, 2010.

DISTRICT COURT 30-3-06
CRAWFORD COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

Finding - Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines Procedures*

Our examination disclosed that most of the 2007 traffic and non-traffic citations issued were not available for examination and have been destroyed by the district court without being in compliance with the procedures described in the *Supreme Court of Pennsylvania Administrative Office of Pennsylvania Courts Record Retention & Disposition Schedule with Guidelines* (Schedule).

The Schedule outlines the proper procedures for the destruction of non-permanent court records. Disposal request procedures include:

A request to destroy non-permanent scheduled records must be submitted by the record custodian requesting permission to dispose of the record(s) to the Record Retention Officer utilizing a Unified Judicial System Disposal Log for Non-Permanent Records form adopted by the AOPC as provided in Pa.R.J.A. No. 507. The Record Retention Officer shall review the Records Disposal Log Form for completeness and shall grant written permission to dispose of such non-permanent records upon ascertaining that the applicable retention period as set forth in the schedule has been met. Written approval from the AOPC is not necessary before destroying non-permanent records as identified in the schedule. A log of individual disposition actions involving non-permanent records must be maintained. Copies of the Records Disposal Log Form shall be submitted on an annual basis to the AOPC. (See §4.5 Form Retention)

Although the Schedule identifies traffic and non-traffic citations as records that may be destroyed after three years, the Schedule also states in part:

Records subject to audit must be retained for the periods listed in the schedule and must be audited and all findings resolved before such records may be destroyed.
[Emphasis added.]

The failure to maintain these records resulted in an unclear examination trail. Additionally, collections associated with missing cases files and documents could be lost or misappropriated.

DISTRICT COURT 30-3-06
CRAWFORD COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

Finding - Failure To Follow The *Supreme Court Of Pennsylvania Administrative Office Of Pennsylvania Courts Record Retention & Disposition Schedule With Guidelines Procedures (Continued)*

The District Court destroyed these records as part of the move to a new office location.

Recommendations

We recommend that the district court comply with the procedures listed in the Schedule.

We further recommend that the district court not destroy citations until after they have been subject to examination by the Department of the Auditor General.

Management's Response

The Magisterial District Judge responded as follows:

It is the position of this Court that our files need to be audited on a timely basis. Since the prior examination, January 1, 2004 to December 31, 2006, our office relocated to a smaller office. While preparing for the move we requested, from the Court Administrator, to destroy records up to 2007. This request was approved and we moved to our new location. The destruction was necessary, if unintentional, because of the automation of the court system and the limited space available. This Court requests that the examination be conducted without a three year time lapse.

Auditor's Conclusion

Although we acknowledge the court's point of view with regard to the timeliness of audits, and that there was a discrepancy regarding the retention schedules for these records with the Court Administrator, these procedures need to be followed to ensure that we can complete our examination without a scope limitation. Therefore, as stated above, all records must be retained and available for examination before being destroyed.

DISTRICT COURT 30-3-06
CRAWFORD COUNTY
OBSERVATION
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

Observation – Improper Assessment Of Costs

Our examination of the Crawford County District Courts revealed that the courts were assessing a \$5.00 flat rate postage fee to cover the additional administrative costs related to mailing “miscellaneous mailers” sent by regular mail (including but not limited to warning letters, Rule 85 hearing notices, letters in response to wrong pleas, or other mailings necessitated by a defendant’s failure to follow rules and/or procedures) in an Administrative Order signed on January 22, 1997. This fee was first imposed as a \$2.00 fee, but was increased to \$5.00 on December 31, 2003.

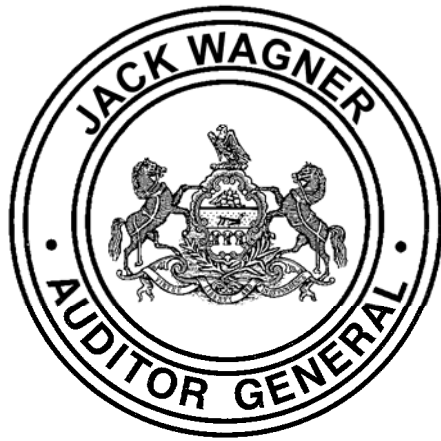
Because the Judicial Code (42 Pa C.S.A. § 1725.1) provides an itemized list of expenses to be paid for the various causes of action, and it carves out exceptions for the postage costs and which party shall pay the postage costs, Crawford County should be charging the proper party with actual postage costs, and not a blanket postage charge of \$5.00 to defendants. Actual postage costs are known the moment documents are mailed and, therefore, are easily attainable and billable to the proper party to a cause of action.

Recommendations

We recommend that the district court discontinue assessing the above cited fee. We further recommend that the court assess fees and costs as intended by the appropriate state statutes.

Management’s Response

No formal response was offered at this time.



DISTRICT COURT 30-3-06
CRAWFORD COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2007 TO DECEMBER 31, 2010

This report was initially distributed to:

The Honorable Daniel P. Meuser
Secretary
Pennsylvania Department of Revenue

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

| | |
|------------------------------|---|
| The Honorable Amy L. Nicols | Magisterial District Judge |
| The Honorable Morris W. Waid | Chairperson of the Board of Commissioners |
| The Honorable Robin Sye | Finance Director |
| Mr. John L. Shuttleworth | 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.