



COUNTY OF LEHIGH
OFFICE OF THE CONTROLLER

LEHIGH COUNTY GOVERNMENT CENTER
17 SOUTH SEVENTH STREET
ALLENTOWN, PA 18101-2400
(610) 782-3082 FAX: (610) 871-2897

GLENN ECKHART
COUNTY CONTROLLER

JOHN A. FALK
DEPUTY CONTROLLER

TO: Final Report Distribution
FROM: Glenn Eckhart, County Controller G.E.,
DATE: October 6, 2014
RE: Audit of Magisterial District Court #31-1-06

We have completed a financial audit of Magisterial District Court #31-1-06, County of Lehigh, Pennsylvania for the period January 1, 2012 to December 31, 2013. Our audit report number 14-24 is attached.

The results of our audit are:

- The County of Lehigh received the proper amounts due from Magisterial District Court #31-1-06.
- The Magisterial District Judge is in general compliance with the applicable financial AOPC guidelines.
- Checks outstanding for over six months should be escheated, per Court Administration policy.

Attachment

MDJ/ MAURA

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

Financial Audit
For the Period January 1, 2012 to December 31, 2013

REPORT NO. 14-24

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

Table of Contents

	Page(s)
OPINION OF GLENN ECKHART LEHIGH COUNTY CONTROLLER	1-2
Statement of Receipts and Disbursements and Changes in Cash Balance for the Period January 1, 2012 to December 31, 2013	3
Notes to Financial Statement	4
Comments on Compliance/Internal Control	5-6
Schedule of Audit Findings and Recommendations	7
Schedule of Prior Audit Findings and Recommendations	8
Magisterial District Judge Administrator's Response	9
Magisterial District Court #31-1-06's Response	10-11



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DEPUTY CONTROLLER

Magisterial District Judge Wayne Maura
Magisterial District Court #31-1-06
565 West Lehigh Street, Suites 5 & 6
Bethlehem, PA 18018

We have audited the accompanying Statement of Receipts and Disbursements and the Changes in Cash Balance of Magisterial District Court #31-1-06 for the period January 1, 2012 to December 31, 2013 as listed in the Table of Contents. The financial statements are the responsibility of Magisterial District Court #31-1-06's management. Our responsibility is to express an opinion on the Statement of Receipts and Disbursements and the Changes in Cash Balance based on our audit.

We conducted our audit in accordance with the auditing standards generally accepted in the United States of America and the generally accepted government auditing standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements were prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

Also, as discussed in Note 1, the financial statements present only the Magisterial District Court #31-1-06 financial activity and does not purport to, and does not, present fairly the assets, liabilities, and results of operations of the County of Lehigh for the period January 1, 2012 to December 31, 2013 in conformity with the cash receipts and disbursements basis of accounting.

In our opinion, the Statement of Receipts and Disbursements and Changes in Cash Balance referred to above presents fairly, in all material respects, the financial activity arising from cash transactions of the Magisterial District Court #31-1-06 for the period January 1, 2012 to December 31, 2013, on the basis of accounting described in Note 1. However, we noted control deficiencies or other management issues that are described in the accompanying "*Schedule of Audit Findings and Recommendations*".

In accordance with *Government Auditing Standards*, we have also issued a report dated September 15, 2014 on our consideration of Magisterial District Court #31-1-06's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.



GLENN ECKHART
County Controller

September 15, 2014
Allentown, Pennsylvania

Final Distribution:

Auditor General of Pennsylvania
Board of Commissioners
Bethlehem Area School District
City of Bethlehem
Borough of Fountain Hill
Daniel McCarthy, Director of Administration
The Honorable Carol McGinley, President Judge
Thomas Muller, County Executive
Timothy Reeves, Fiscal Officer
H. Gordon Roberts, Magisterial District Judge Administrator
Andrew Simpson, AOPC

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

*Statement of Receipts and Disbursements
and Changes in Cash Balance
for the Period January 1, 2012 to December 31, 2013
(NOTE 1)*

	<u>2012</u>	<u>2013</u>
Receipts:		
Office Receipt Activity	\$ 425,385	\$ 529,498
Bank Account Interest	8	8
	-----	-----
Total Receipts	425,393	529,506
	-----	-----
Disbursements:		
Pennsylvania Department of Revenue - Costs & Fines	235,519	282,127
Lehigh County Fiscal Office – Costs and Fines	79,877	92,589
Bethlehem City – Costs and Fines	68,653	72,138
Server (NOTE 2)	26,073	31,494
Refunds	15,111	13,654
Restitution	3,152	13,099
Bethlehem Area School District – Costs and Fines	1,150	1,300
Pennsylvania Department of Revenue - Interest	8	8
Fountain Hill Borough – Costs and Fines	0	11,750
	-----	-----
Total Disbursements	429,543	518,159
	-----	-----
Receipts Over (Under) Disbursements	(4,150)	11,347
Cash Balance, January 1	19,093	14,943
	-----	-----
Cash Balance, December 31	\$ 14,943	\$ 26,290
	=====	=====

The accompanying notes to financial statement are an integral part of this statement.

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

Notes to Financial Statement
For the Period January 1, 2012 to December 31, 2013

1. Summary of Significant Accounting Policy

A. Reporting Entity

A portion of the Magisterial District Court #31-1-06's financial activity is a part of the County of Lehigh's reporting entity, included in the general fund and is subject to annual financial audit by external auditors. The remaining financial activity is part of other governmental entities. This report is only for internal audit purposes.

B. Basis of Accounting

The accounting records of the County of Lehigh and the Statement of Receipts and Disbursements and Changes in Cash Balance are maintained on the cash receipts and disbursements basis of accounting. Under this basis of accounting, revenue is recognized when cash is received and expenditures are recognized when paid. This differs from Generally Accepted Accounting Principles (GAAP) which requires the accrual basis of accounting.

C. Administrative Guidelines

An automated *Clerical Procedures Manual* is published by the Administrative Office of Pennsylvania Courts (AOPC). Each magisterial district court is required to follow the procedures mandated under the authority of Rule 505 of the Pennsylvania Rules of Judicial Administration.

D. Magisterial District Judge During the Audit Period

Wayne Maura was the Magisterial District Judge for the period January 1, 2012 to December 31, 2013.

2. Server Costs

Constables receive payment for services rendered from two sources. The Magisterial District Judge pays the constable for services rendered and recovers the cost from the defendant when the case is paid-in-full. However, when the defendant is found not guilty, sentenced to confinement, or cannot pay the assessments, the County of Lehigh pays the constable. As such, the costs represented in the financial statements are not inclusive of server costs incurred and paid for by the County of Lehigh.



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Magisterial District Judge Wayne Maura
Magisterial District Court #31-1-06
565 West Lehigh Street, Suites 5 & 6
Bethlehem, PA 18018

We have audited the financial statements of Magisterial District Court #31-1-06 for the period January 1, 2012 to December 31, 2013 and have issued our report thereon dated September 15, 2014. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the generally accepted government auditing standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

In planning and performing our audit, we considered Magisterial District Court #31-1-06's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the Statement of Receipts and Disbursements and the Changes in Cash Balance but not for the purpose of expressing an opinion on the effectiveness of the Magisterial District Court #31-1-06's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Magisterial District Court #31-1-06's internal control over financial reporting.

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 misstatements on a timely basis. A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

A material weakness is a deficiency, or combination of deficiencies, in internal control, such as there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis.

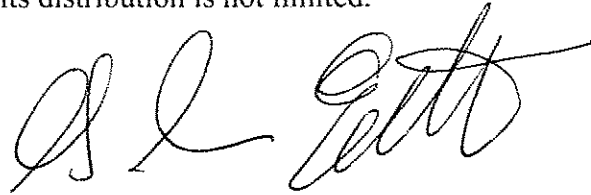
Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies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

As part of obtaining reasonable assurance about whether the Magisterial District Court #31-1-06's financial statements are free of material misstatement, we performed tests of its 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 financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, 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*.

We noted certain matters that we reported to management of Magisterial District Court #31-1-06 in a separate action titled "*Schedule of Audit Findings and Recommendations*".

The Magisterial District Judge's and Magisterial District Judge Administrator's response to our audit is included in this report. We did not audit the Magisterial District Judge's and Magisterial District Judge Administrator's response and, accordingly, we do not express an opinion on it.

This report is intended solely for the information and use of management and other affected county offices and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

A handwritten signature in black ink, appearing to read "Glenn Eckhart", written in a cursive style.

GLENN ECKHART
County Controller

September 15, 2014
Allentown, Pennsylvania

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

Schedule of Audit Findings and Recommendations

1. Outstanding checks not marked as stale in a timely manner

Condition: There were nine checks totaling \$549.92 that were outstanding for more than six months issued between January 1, 2012 and December 31, 2013. Current Magisterial District Court office practices, established by the County of Lehigh's Magisterial District Judge Administrator, is to declare checks as stale after six months from the date of issue.

Recommendation: All checks issued by the Magisterial District Courts of the 31st Judicial District that remain outstanding (not cashed) after six months should be escheated.

COUNTY OF LEHIGH, PENNSYLVANIA
MAGISTERIAL DISTRICT COURT #31-1-06

Schedule of Prior Audit Findings and Recommendations

1. Some payments are not deposited timely

Condition: When an unidentified payment is received, via US mail, and the citation from the issuing authority has not yet arrived at the magisterial district court, the payment is kept in a locked cabinet and not deposited. If citations have not arrived within a week, the payments are returned to the sender. As a result, checks could be lost or misappropriated without detection.

Recommendation: The magisterial district court should follow the Administrative Office of Pennsylvania Courts procedures regarding processing payments without corresponding citations. Mail payments received without corresponding citations should be deposited the same business day and immediately applied as an unidentified remittance. In addition, a file of mail payments received without citations should be maintained by the office to facilitate the proper application of unidentified remittances upon delivery of the missing citations.

Management Response: None

Current Recommendation: Management has adequately addressed the condition.

COMMONWEALTH OF PENNSYLVANIA



COUNTY OF LEHIGH

H. GORDON ROBERTS

MAGISTERIAL DISTRICT JUDGE ADMINISTRATOR
LEHIGH COUNTY COURTHOUSE
455 W HAMILTON STREET
ALLENTOWN PA 18101-1614

OFFICE:
TEL 610-782-3229
FAX 610-770-6726

MEMORANDUM

To: Glenn Eckhart – County Controller

Fr: H. Gordon Roberts – MDJ Administrator 

Re: Response to Audit Draft Report for District Court 31-1-06

Date: September 5, 2014

This is intended as the management response to the single audit finding of the audit of District Court 31-1-06 for the period January 1, 2012 through December 31, 2013. In that audit a finding was noted of:

Checks Listed as Outstanding for more than six months at Year's End

A review of the follow-up information showed a total of nine (9) checks, valued at \$ 549.92 had not been escheated timely to the County. The time period for these checks was varied throughout the audit period with four occurring in December, 2012, two in October, 2013, and three in March, 2014. Although this process was discussed at several meetings of the office managers the review showed a failure to follow through on this procedure by the office management. The District Courts have initiated a program to conduct procedural audits of the district courts and this is one of the areas of review however because this program is new the procedural audit of DC 31-1-06 had not yet been conducted at the time these checks were to have been escheated. A follow up with this office will monitor the outstanding checks and the recommendation will be made to initiate the escheat process prior to the six month deadline.



Wayne Maura
Magisterial District Judge

To: Glenn Eckhart, County Controller

From: Wayne Maura, Magisterial District Judge
District Court 31-1-06

Date: September 15, 2014

Re: Response to Comments of Audit Report Draft

I have received and reviewed the above listed document dated August 26, 2014 provided by your office.

I was pleased to note the absence of any issues regarding the Statement of Receipts and Disbursements and Changes in Cash Balances portion of the report.

As always, it is concerning to receive any finding as we strive for perfection in our work. Accordingly, I would like to offer the following as a response to the finding outlined in the "Schedule of Audit Findings and Recommendations" on page 7 of the report.

It should be noted this court is staffed by three clerks. One of whom is designated as the Office Manager. It is, I believe, fair to mention that there are any number of days in a year where one of the staff is out sick, or on vacation and occasionally the sick time can be prolonged. This office experienced all of those conditions during the audit period of this report 2012 and 2013. At the same time, a review of court reports indicates a steady increase not only in cases filed, but in the financial transactions that correspond to that increase in almost every category listed.

While this is by no means intended to excuse a legitimate issue of finding, it is intended as an explanation for anyone in the public that may have occasion to review this report. While the requirements of our office demand the transparency and accountability to which we are held, there are those in the public with little or no experience with the day to day operations of a District Court who could be unnecessarily alarmed by the content of these reports with no explanations of context.

In addition to the other circumstances I have already mentioned, it should be also mentioned that this court was subject to re-districting beginning with the addition of the Borough of Fountain Hill as of June of 2013.

It is my personal opinion that people are not perfect and none of my staff are auditors or accountants and our primary responsibility is the delivery of justice on the matters that take place in the court room. That is my first priority and if some of the administrative tasks are not completed on time or occasionally result in a corrected error, as long as there is no criminal intent or fraud, I will accept that.

It might be constructive to consider assigning a county auditor or accountant to visit each court on a monthly basis to reconcile statements and look over these issues to help us resolve them in a more "real time" manner. The court at present staffing can only do so much. We had some findings on the last audit that have been corrected through dedicated effort in that area and now we have a different finding in another area. We will certainly work to correct this audit's findings, but it will most likely be at the expense of some other concern being raised at the next audit. In any event, I would welcome any ideas or suggestions as to how to accomplish a perfect audit for every one in the future.

We will continue to do our best with the resources we have and I just want to make clear there has been no fraud or criminal misappropriation of any of the hundreds of thousands of dollars that pass through this court every year.

Thank you for the opportunity to respond and for the very important work you and your staff conduct every day.

Very truly yours,

A handwritten signature in black ink, appearing to be "W. J. H.", written in a cursive style. The signature is positioned below the text "Very truly yours," and extends across the width of the page.