

*The County of Chester
Office of the Controller
Internal Audit Department*



*Audit Report
Office of the Clerk of Courts
For the year ended December 31, 2009*

Valentino F. DiGiorgio, III, Controller

COUNTY OF CHESTER
AUDIT OF THE OFFICE OF THE CLERK OF COURTS
FOR THE YEAR ENDED DECEMBER 31, 2009

Francis E. McElwaine, Clerk of Courts
Office of the Clerk of Courts
Chester County Justice Center
1st Floor – Suite 1400
West Chester, PA 19380

COUNTY OF CHESTER
AUDIT OF THE OFFICE OF THE CLERK OF COURTS
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COUNTY OF CHESTER OFFICE OF THE CONTROLLER

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VALENTINO F. DIGIORGIO, III
Controller

January 12, 2011

Office of the Clerk of Courts
Chester County Justice Center
West Chester, Pennsylvania

Internal Audit has audited the accounts of the *Office of the Clerk of Courts (Clerk)* in conjunction with the *Office of Adult Probation (APO)* as of December 31, 2009, and has compiled the attached Statement of Assets and Liabilities and the related Statements of Cash Receipts, Disbursements, and Cash Balances for the year then ended. It is Internal Audit's responsibility to audit annually the accounts of any office receiving money for use by the Commonwealth of Pennsylvania and to report the results of such audits to the Chester County Commissioners and the Chester County Court of Common Pleas. It is management's responsibility to maintain, update, and reconcile these accounts on a continuous basis.

Our audit was conducted in accordance with auditing standards generally accepted in the United States of America and the Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit in a manner that will provide *reasonable assurance* that the accounts are free of material misstatement and that amounts are properly supported and approved.

As described in Note 1, the accompanying financial statements are prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Accordingly, the statements referred to above are not intended to present the financial position and results of operations of the *Clerk* in conformity with generally accepted accounting principles.

In our opinion, accounts maintained by the *Clerk* are stated fairly as of December 31, 2009. Consequently, the corresponding financial statements prepared by Internal Audit present fairly, in all material respects, the assets and liabilities of the *Clerk* as of December 31, 2009, and the cash receipts, disbursements, and cash balances for the year then ended.

In accordance with Government Auditing Standards, Internal Audit has also issued a report dated January 12, 2011, which provides our evaluation of the *Clerk's* internal control over financial reporting and on our tests of compliance with certain provisions of laws, regulations, policies and/or procedures. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Valentino F. DiGiorgio, III
Controller

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS / ADULT PROBATION

STATEMENT OF ASSETS AND LIABILITIES

DECEMBER 31, 2009

Assets

Cash - Clerk General Account - CPCMS	\$ 6,766	
Cash - Clerk Summary Appeal Escrow - CPCMS	31,114	
Cash - Clerk Bail Escrow Account - CPCMS	1,107,984	
Cash - Clerk / APO Costs, Fines & Restitution Account - CPCMS	<u>906,978</u>	
Total Cash from CPCMS Accounts		\$ 2,052,842
Cash - Clerk Bail Escrow Account – Legacy		200,956
Cash - Clerk Summary Appeal Escrow - Legacy		3,380
Cash - Clerk Bail Bondsman Escrow - Legacy		25,000
Cash - Clerk Change Fund		300
Cash - APO Change Fund		200
Cash - Automation Fund Account	57,510	
Cash - Automation Fund CD	<u>66,012</u>	
Total Other Cash		123,522
Due from County		<u>1,310</u>
Total Assets		<u>\$ 2,407,510</u>

Liabilities

Undisbursed Funds:		
Due to County - Clerk	\$ 24,577	
Due to County - APO	192,664	
Due to Commonwealth of PA - Clerk / APO	144,760	
Due to Municipalities - Clerk / APO	29,719	
Due to Bail Bondsman - Clerk	25,000	
Due to Clerk of Courts - Automation Fund	126,742	
Due to Individuals - APO	<u>1,863,548</u>	
Total Undisbursed Funds		\$ 2,407,010
Due to County - Clerk Change Fund		300
Due to County - APO Change Fund		<u>200</u>
Total Liabilities		<u>\$ 2,407,510</u>

The accompanying notes are an integral part of these financial statements.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS AND ADULT PROBATION
STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CASH BALANCE
CPCMS ACCOUNTS
YEAR ENDED DECEMBER 31, 2009

Cash Balance, January 1, 2009		\$ 1,710,215
Receipts:		
Cash	<u>\$ 7,067,017</u>	
Total Receipts		\$ 7,067,017
Disbursements:		
Bail Escrow	974,869	
Filing Fee	59,158	
Restitution	5,601,785	
Summary Appeal	<u>88,578</u>	
Total Disbursements		<u>6,724,390</u>
Excess of receipts over disbursements		<u>342,627</u>
Cash Balance, December 31, 2009		<u>\$ 2,052,842</u>

The accompanying notes are an integral part of these financial statements.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CASH BALANCE
BAIL ACCOUNT
YEAR ENDED DECEMBER 31, 2009

Cash Balance, January 1, 2009		\$ 274,135
Receipts:		
Escrow Interest	<u>\$ 447</u>	
Total Receipts		\$ 447
Disbursements:		
Refunds	9,835	
Forfeitures	48,358	
Interest	474	
	<u>14,959</u>	
Total Disbursements		<u>73,626</u>
Excess of disbursements (over) receipts		<u>(73,179)</u>
Cash Balance, December 31, 2009		<u>\$ 200,956</u>

The accompanying notes are an integral part of these financial statements.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS

STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CASH BALANCE
SUMMARY APPEAL ACCOUNT

YEAR ENDED DECEMBER 31, 2009

Cash Balance, January 1, 2009		\$ 3,380
Receipts:		
Escrow	\$ 0	
Interest	<u>0</u>	
Total Receipts		\$ 0
Disbursements:		
Escrow Refunds	0	
Bank Fees	<u>0</u>	
Total Disbursements		<u>0</u>
Excess of receipts over disbursements		<u>0</u>
Cash Balance, December 31, 2009		<u><u>\$ 3,380</u></u>

The accompanying notes are an integral part of these financial statements.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CASH BALANCE
AUTOMATION FUND ACCOUNT
YEAR ENDED DECEMBER 31, 2009

Cash Balance, January 1, 2009		\$ 99,284
Receipts:		
Fees collected by Office of the Clerk of Courts	\$ 6,405	
Fees collected by Office of Adult Probation	15,731	
Interest Income	<u>2,191</u>	
Total Receipts		\$ 24,327
Disbursements:		
Bank Fees	<u>89</u>	
Total Disbursements		<u>89</u>
Excess of receipts over disbursements		<u>24,238</u>
Cash Balance, December 31, 2009		<u><u>\$ 123,522</u></u>

The accompanying notes are an integral part of these financial statements.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2009

Note 1 - Summary of Significant Accounting Policies

Background and Reporting Entity

The audited financial statements of the *Clerk* include only those transactions handled directly by the office. The transactions include the collection of various filing fees and bail, and the disbursement of funds to the Commonwealth, the County of Chester, and the citizens the office represents. The *Clerk* holds funds for each individual who posts bail on a criminal case. Once the full and final disposition on a case has been reached, the surety must make a request to have the bail returned to him/her. Once a request has been made, bail can be released from the *Clerk* thirty-five (35) days after the full and final disposition. A portion of the bail posted is passed on to the County in the form of a commission. From January 1, 1995 through August 8, 1995, the County charged a 20% commission on all percentage cash bail received. Since August 9, 1995, a 40% commission has been charged on all percentage cash bail. In the case of straight bail, a 3% commission is charged on the first \$1,000, and 1% on every \$1,000 thereafter. The County also receives filing fees as well as forfeited bail funds. The Commonwealth receives a portion of the forfeited bail funds relating to DUI cases.

The actual operating expenses of the *Clerk* are paid by the County of Chester. These costs include the salary and wages of office employees, fringe benefits, postage, telephone, office supplies, computer/LAN use, and furniture and equipment. These costs are not included in the audited Statements of Cash Receipts, Disbursements, and Cash Balances.

Effective July 2003, in compliance with Rules of Criminal Procedure 462 (H) amended February 2003, the *Clerk* receives all monies from summary cases which are being appealed at the district court level and deposits them into a newly established Summary Appeal Escrow account. Prior to this amendment, all funds were held by the district court.

Effective August 2003, the Court approved one surety/fidelity company to act as surety in Chester County. Surety companies on Chester County's approved list are required by Chester County Rule of Criminal Procedure 531(A).5.(iii) to post and maintain as security with the *Clerk* the sum of \$25,000. The *Clerk* holds this security in a separate non-interest bearing escrow account for the approved surety/fidelity company.

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2009

Note 1 - Summary of Significant Accounting Policies (continued)

Basis of Accounting

The books and records of the *Clerk* are maintained on the cash basis of accounting. Consequently, receipts are recognized when received rather than when assessed or otherwise due, and disbursements are recognized when paid rather than when the obligation is incurred. Accordingly, the accompanying statements do not present the assets, liabilities, receipts, disbursements, and cash balances in accordance with generally accepted accounting principles.

Note 2 - Legal Matters

Our audit disclosed no pending litigation involving the *Clerk* or its Clerk of Courts (Teena A. Peters) for the year ended December 31, 2009.

Note 3 - CPCMS System

The Administrative Office of Pennsylvania Courts (*AOPC*) initiated a project in 2001 to develop and implement a statewide Common Pleas Court Case Management System (*CPCMS*). *CPCMS* is now installed in the Commonwealth's sixty judicial districts in sixty-seven counties; *CPCMS* was implemented in Chester County February 6, 2006. *CPCMS* provides case management tracking for the offices of the Clerks of Court, Court Administration and Common Pleas judges and their staffs. Additional user groups include county fiscal offices, probation departments and limited write access for criminal justice-related offices (District Attorney, Sheriff and Prison) connected to a county network.

All case-related funds and financial transactions receipted after the implementation of *CPCMS* must be maintained in and tracked through *CPCMS*; the Clerk of Courts (*Clerk*) was required to establish new bank accounts for this purpose.

CPCMS requires that the records and funds for transactions for all fines, costs and restitution be maintained in one bank account "belonging to" the *Clerk*, regardless of whether one or more offices or departments actually receipt or disburse all or part of those funds, and that all transactions for that account to be recorded in *CPCMS*. Prior to *CPCMS*, the majority of fines, costs and restitution was

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2009

Note 3 – CPCMS System (continued)

collected through payments made to Chester County Adult Probation (*APO*). Some disbursements were done by the Clerk; however, most disbursements of fines, costs and restitution were done by vouchers prepared by *APO* for disbursement by the County. The *Clerk* established the required new “Clerk of Courts / Adult Probation” bank account and consulted with *AOPC* and with Chester County *APO*, Court Administration, DCIS, Controller and Finance to establish procedures to best implement and administer the new joint bank account which contains co-mingled funds receipted and disbursed according to CPCMS requirements (none of these funds are now disbursed through the Chester County Controller or Treasurer). As a result, the financial statements of each office must be combined into one set of financial statements in respect to the shared bank account (the Fines, Costs and Restitution account).

Note 4 – Automation Fee Fund

The *Clerk* established a new fund in 2004 pursuant to the Pennsylvania Clerk of Courts Fee Bill; 42 PCS 1725.4. In addition to any other fee authorized by law, an automation fee of not more than \$5 may be charged and collected by the *Clerk* for the initiation of any action or legal proceeding. The automation fee shall be deposited into a special Clerk of Courts automation fund established in each county. Moneys in the special fund shall be used solely for the purpose of automation and continued automation update of the Office of the Clerk of Courts. Until 2007, the *Clerk* maintained this fund in a Deferred Revenue account on the County general ledger. In September 2007 the *Clerk* opened a separate bank account and certificate of deposit to maintain these funds.



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VALENTINO F. DIGIORGIO, III
Controller

January 12, 2011

Office of the Clerk of Courts
Chester County Justice Center
West Chester, Pennsylvania

Report on Compliance and on Internal Controls Over Financial Reporting

In accordance with Government Auditing Standards, the scope of our audit included an examination and evaluation of the adequacy and effectiveness of the *Clerk's* system of internal controls and the *Clerk's* quality of performance in carrying out its assigned responsibilities. The primary objectives of internal controls include the following:

- Safeguarding of Assets
- Reliability and integrity of information
- Compliance with policies, procedures, laws and regulations
- Compliance with provisions of contract and lease agreements.

In addition, generally accepted auditing standards (GAAS) require that auditors obtain an understanding of the internal control process and assess control risk in financial statement audits. For a financial statement audit, internal control is defined as a process which is designed to provide reasonable assurance that objectives regarding the reliability of financial reporting, the effectiveness and efficiency of operations, and the compliance with applicable laws and regulations are achieved. The internal control process consists of five components. They are the *control environment*, *risk assessment*, *information and communication*, *monitoring*, and *control activities*.

The *control environment* sets the tone of the organization and is the foundation for all other components of internal control. The collective effect of various important factors defines the *control environment*, which in turn establishes, enhances, or mitigates the effectiveness of policies and procedures. These important factors include the entity's organizational structure and methods of assigning authority and responsibility.

The *risk assessment* is the entity's identification and analysis of relevant risks to the achievement of its objectives, and forms a basis for determining how the risks should be managed.

Information and communication are the identification, capture, and exchange of information in a form and time frame that enables people to carry out their responsibilities.

Report on Compliance and on Internal Controls Over Financial Reporting (continued)

Monitoring is a process that assesses the quality of internal control performance over time.

Control activities are the policies and procedures that help ensure management directives are carried out. These policies and procedures may be classified as:

- Authorization
- Segregation of duties
- Documentation
- Physical safeguards
- Independent checks and balances.

Our audit disclosed no significant deficiencies or material weaknesses that, in our opinion, pose a significant risk to the *Clerk* and/or to the County of Chester:

Other findings of a lesser significance in the areas of internal control and compliance specifically:

- Recording with respect to voided receipts involving cash
- Policies and procedures related to cash receipts, escheats, and automation fee deposits

have been addressed under separate cover with the management of the *Clerk* for its action and/or response. Copies of the Management Letter will be made available upon request.

This report is intended for the information of the Chester County Board of Commissioners and the Chester County Court of Common Pleas. This report is, however, a matter of public record, and its distribution is not limited.



Valentino F. DiGiorgio, III
Controller

COUNTY OF CHESTER
OFFICE OF THE CLERK OF COURTS
SUMMARY OF EXIT CONFERENCE
FOR THE YEAR ENDED DECEMBER 31, 2009

Due to the nature of the audit findings and recommendations, an exit conference was not warranted for the 2009 audit. Management of the Office of the Clerk of Courts has chosen to accept the report as presented.