



# CONTROLLER'S OFFICE

COUNTY OF BUCKS

Administration Building  
55 East Court Street, Doylestown, PA 18901-4318  
(215) 348-6435 • Fax (215) 348-6107

January 27, 2016

Honorable Jeffrey L. Finley, President Judge  
and Commissioner Robert G. Loughery, Chairman  
County of Bucks  
55 East Court Street  
Doylestown, PA 18901

Re: Audit of Magisterial District 07-3-02, Magisterial District Judge Jean Seaman

Dear Judge Finley and Commissioner Loughery:

Enclosed is the report for the audit of Magisterial District 07-3-02 as of and for the year ended December 31, 2014. The section of the report titled Report to Management includes our findings and recommendations. We have advised the Magisterial District that we welcome discussion of the ideas expressed herein and would be pleased to assist in the implementation of our recommendations.

This examination was made in order to ascertain that County assets were adequately safeguarded and that the Magisterial District properly and accurately maintained its financial records. The audit was conducted in accordance with U.S. generally accepted auditing standards and included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

We express our appreciation for the courtesies extended to our auditors and acknowledge the cooperative assistance we received from the Magisterial District.

Should you have any questions regarding this audit, please call us at (215) 348-6556 between 7:30 a.m. and 4:00 p.m.

Sincerely,

Kimberly S. Doran, CPA  
Acting Bucks County Controller

15-20  
KSD/mkw

cc: Magisterial District Judge Jean Seaman, Magisterial District 07-3-02  
Andrew M. Simpson, Judicial Programs Analyst, Administrative Office of Pennsylvania Courts  
Eugene DePasquale, Auditor General, Commonwealth of Pennsylvania  
Douglas R. Praul, Esquire, Court Administrator, County of Bucks  
Robert D. Pollock, Deputy Court Administrator – Minor Judiciary, County of Bucks  
Brian Hessenthaler, CPA, Chief Operating Officer, Commissioners' Office, County of Bucks

COUNTY OF BUCKS  
MAGISTERIAL DISTRICT 07-3-02  
For the Year  
January 1, 2014 through December 31, 2014

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County of Bucks  
Magisterial District 07-3-02  
For the Year January 1, 2014 through December 31, 2014

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## INDEPENDENT AUDITORS' REPORT

To the Honorable Jeffrey L. Finley, President Judge  
and Commissioner Robert G. Loughery, Chairman  
County of Bucks  
55 East Court Street  
Doylestown, PA 18901

We have audited the accompanying financial statements of Magisterial District 07-3-02 (the Magisterial District), which comprise the Statement of Assets and Liabilities Arising from Cash Transactions – modified cash basis as of December 31, 2014, and the related Statement of Cash Receipts and Disbursements and Undisbursed Receipts – County of Bucks (the County) activity only – modified cash basis for the year ended December 31, 2014, and the Statement of Net Undisbursed Receipts – modified cash basis as of December 31, 2014, and the related notes to the financial statements.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting described in Note 1.C. This includes determining that the modified cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditors' Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with U.S. generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Magisterial District's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Magisterial District's internal control. Accordingly, we express no such opinion. An audit also

*Continued...*

includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, if any, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

### **Basis for Qualified Opinion**

The Magisterial District's financial transactions are processed through the Magisterial District Judge System (MDJS), which is designed, maintained and controlled by the Administrative Office of Pennsylvania Courts (AOPC). The AOPC's access policies did not permit us to extend our auditing procedures sufficiently to satisfy ourselves about the effectiveness of controls over the financial reporting process.

### **Qualified Opinion**

In our opinion, except for the possible effects of the matter discussed in the Basis for Qualified Opinion paragraph, the financial statements referred to in the first paragraph present fairly, in all material respects, the assets and liabilities arising from cash transactions of the Magisterial District as of December 31, 2014, and its cash receipts and disbursements and undisbursed receipts of the County activity only, for the year ended December 31, 2014 and its net undisbursed receipts as of December 31, 2014, in accordance with the modified cash basis of accounting as described in Note 1.C.

### **Basis of Accounting**

We draw attention to Note 1.C. to the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified cash basis of accounting, which is a basis of accounting other than U.S. generally accepted accounting principles. Our opinion is not modified with respect to that matter.

### **Restriction on Use**

This report is intended solely for the information and use of the Magisterial District's management, the County and the Commonwealth of Pennsylvania. This restriction is not intended to limit the distribution of this report, which is a matter of public record.



Kimberly S. Doran, CPA, Acting Bucks County Controller  
Doylestown, Pennsylvania

January 14, 2016  
15-20

County of Bucks  
Magisterial District 07-3-02

Statement of Assets and Liabilities Arising from Cash Transactions  
December 31, 2014  
(Modified Cash Basis)

<u>Current Assets</u>	
Cash	\$ 92,817
Petty Cash and Change Fund	125
Total Current Assets	\$ 92,942
<u>Current Liabilities</u>	
Due to Commonwealth of Pennsylvania:	
Access to Justice Fees	\$ 2
Emergency Medical Services Act	10
Judicial Computer Project Fees	8
Medical Care Availability Fund	45
Motor Vehicle Fines	12
State Costs	16
Subtotal - Due to Commonwealth of Pennsylvania	93
Due to County of Bucks:	
Advance for Petty Cash and Change Fund	125
Constable - Payments Collected	3,503
County Costs	9,022
County Fines	69
Miscellaneous Issuance Fees	1,161
Non-sufficient Funds Check Costs	32
Postage	477
Public Access Request/Photocopy Fees	35
Unclaimed Property	143
Subtotal - Due to County of Bucks	14,567
Due to School District and Municipalities:	
Central Bucks School District	81
Doylestown Borough	19
Warrington Township	13,362
Warwick Township	2,163
Subtotal - Due to School District and Municipalities	15,625
Bail/Collateral/Constable Fees/Pending Refunds	62,657
Total Current Liabilities	\$ 92,942

See Notes to the Financial Statements.

County of Bucks  
Magisterial District 07-3-02

Statement of Cash Receipts and Disbursements and Undisbursed Receipts  
County of Bucks Activity Only  
For the Year Ended December 31, 2014  
(Modified Cash Basis)

	<u>Receipts</u>	<u>Disbursements</u>	
Undisbursed Receipts of County Accounts as of January 1, 2014			\$ 9,565
Activity of County Accounts:			
Fines, Costs and Other Funds	\$ 153,868	\$ 148,605	
Unclaimed Property	<u>1,521</u>	<u>1,782</u>	
Total Activity of County Accounts	<u>\$ 155,389</u>	<u>\$ 150,387</u>	
Net Increase (Decrease) in Activity of County Accounts for the Year			<u>5,002</u>
Undisbursed Receipts of County Accounts as of December 31, 2014			<u>\$ 14,567</u>

County of Bucks  
Magisterial District 07-3-02

Statement of Net Undisbursed Receipts  
December 31, 2014  
(Modified Cash Basis)

Undisbursed Receipts of County Accounts as of December 31, 2014		\$ 14,567	
Add: Ending Balance of Undisbursed Receipts of Non-County Accounts		<u>78,375</u>	
Subtotal - Ending Balance of Undisbursed Receipts		92,942	
Less: Advance for Petty Cash and Change Fund		<u>(125)</u>	
Net Undisbursed Receipts as of December 31, 2014		<u>\$ 92,817</u>	

See Notes to the Financial Statements.

NOTES TO THE FINANCIAL STATEMENTS

**1. Summary of Significant Accounting Policies**

The major accounting principles and practices followed by the Magisterial District and the County are presented below to assist the reader in understanding the financial statements. The accounting principles and practices are presented in conformity with a comprehensive basis of accounting other than U.S. generally accepted accounting principles.

**A. Nature of Operations**

The Magisterial District is a court in which a magisterial district judge has jurisdiction to preside over certain civil and criminal cases. A magisterial district judge has jurisdiction on civil cases that do not exceed \$12,000, such as breach of contract, accidents, nonpayment of bills and landlord/tenant matters. A magisterial district judge also has jurisdiction in summary cases involving traffic and non-traffic violations and the initial phases of misdemeanor and felony violations.

The Magisterial District processes its transactions through the MDJS, which is developed and maintained by the AOPC. This system captures all aspects of docketing, receipting, adjusting and disbursing of court related funds through a web application.

**B. Reporting Entity**

The accompanying financial statements are presented from only the accounts and financial transactions directly handled by the Magisterial District. The financial transactions consist primarily of fines, costs and collateral. The financial statements do not present the cash and unexpended cash balances or the receipts and disbursements of the County taken as a whole or the County court system.

**C. Basis of Accounting**

The accompanying financial statements have been prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than U.S. generally accepted accounting principles. Under the modified cash basis, fines and costs are recognized when received instead of when a guilty plea or adjudication is determined and payments are recognized when paid. Consequently, the Magisterial District has not recognized accounts receivable from defendants and/or plaintiffs and their related effects on revenue in the accompanying financial statements. Under U.S. generally accepted accounting principles, revenues are recognized in the accounting period they are earned, and expenditures are recognized in the accounting period they are incurred.

**D. Current Assets**

*Cash*

The Magisterial District maintains its cash on deposit with the bank under an interest-bearing arrangement that is insured by the Federal Deposit Insurance Corporation and/or is fully collateralized by a pledge or assignment of assets pursuant to Act No. 72 of the

*Continued...*



NOTES TO THE FINANCIAL STATEMENTS

**1. Summary of Significant Accounting Policies (Continued)**

D. Current Assets (Continued)

*Cash (Continued)*

General Assembly. As required by the Supreme Court of Pennsylvania, the interest earned in this account, net of allowable bank fees, must be transferred monthly to the Pennsylvania Interest on Lawyer's Trust Account Board for use as mandated by Court Order. Interest earned in this account is posted and transferred out on the last day of the month.

*Petty Cash and Change Fund*

The cash on hand at the Magisterial District is uncollateralized.

E. Fixed Assets

The fixed assets in the possession of the Magisterial District are not reflected on the Statement of Assets and Liabilities Arising from Cash Transactions.

F. Current Liabilities

*Due to Commonwealth of Pennsylvania*

The amount listed under this classification on the Statement of Assets and Liabilities Arising from Cash Transactions represents the collection of fines and costs received but not disbursed as of the financial statement date. This amount was included in the disbursement forwarded to the Commonwealth in the subsequent January.

*Due to County of Bucks and Due to School District and Municipalities*

The amounts listed under these classifications on the Statement of Assets and Liabilities Arising from Cash Transactions primarily represent the collection of fines and costs received for the month of December but not disbursed as of the financial statement date. Except for the \$125 listed as Advance for Petty Cash and Change Fund, these amounts were included in the disbursements forwarded to the applicable parties in the subsequent January.

*Bail/Collateral/Constable Fees/Pending Refunds*

The amount listed under this classification on the Statement of Assets and Liabilities Arising from Cash Transactions represents funds collected in advance from defendants awaiting hearings or refunds and from plaintiffs awaiting the performance of civil constable services.

G. Date of Management's Review

The management of the Magisterial District has evaluated subsequent events through January 14, 2016, the date on which the financial statements were available to be issued. No events have taken place that affect the financial statements or require disclosure.

*Continued...*

NOTES TO THE FINANCIAL STATEMENTS

**2. Magisterial District Judge Serving During Audit Period**

Jean Seaman presided at this Magisterial District during the audit period.

**3. Related Party Transactions**

The Magisterial District's activities include services that are performed by constables who are elected officials. Constables work for the Magisterial District in the execution of various criminal documents, such as warrants and commitments and the serving of civil documents, such as complaints and notices. The Constable Fee Schedule provides guidelines for the payment of these services. The executed services presented for payment are summarized on a Constable Request for Payment form, which must be approved and signed by the Magisterial District Judge. Payments related to the execution of criminal documents are paid at the County level, whereas payments for serving of civil documents are paid by the Magisterial District.

It has been determined that related party transactions existed at this Magisterial District based on the fact that the Magisterial District Judge was related to one (1) constable performing services for this court. The criminal and civil constable expenditures associated with this specific constable in 2014 totaled \$9,319.

U.S. generally accepted auditing standards, specifically AU-C Section 800, *Special Considerations – Audits of Financial Statements Prepared in Accordance with Special Purpose Frameworks*, requires the auditor to disclose related party transactions even if it is not specifically identified on the face of the financial statements.



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## REPORT ON SIGNIFICANT DEFICIENCIES AND MATERIAL WEAKNESSES

To the Honorable Jeffrey L. Finley, President Judge  
and Commissioner Robert G. Loughery, Chairman  
County of Bucks  
55 East Court Street  
Doylestown, PA 18901

In planning and performing our audit of the financial statements of the Magisterial District as of and for the year ended December 31, 2014, in accordance with U.S. generally accepted auditing standards, we considered the Magisterial District's internal control over the financial reporting (internal control) as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Magisterial District's internal control. Furthermore, as stated in the sixth paragraph of the Independent Auditors' Report, the AOPC's access policies to the MDJS prohibited us from evaluating aspects of the Magisterial District's internal controls. Accordingly, we do not express an opinion on the effectiveness of the Magisterial District's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

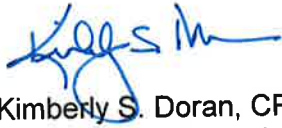
A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Magisterial District's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a 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. We consider the deficiencies described in F1. of the Internal Control and Internal Control - MDJS sections of the Report to Management to be significant deficiencies.

*Continued...*

The written responses from the Magisterial District and the AOPC to the findings identified in our audit and presented in the Report to Management were not subjected to the audit procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

This report is intended solely for the information and use of the Magisterial District's management, the County and the Commonwealth of Pennsylvania. This restriction is not intended to limit the distribution of this report, which is a matter of public record.



Kimberly S. Doran, CPA, Acting Bucks County Controller  
Doylestown, Pennsylvania

January 14, 2016  
15-20

REPORT TO MANAGEMENT

COVER LETTER

We have audited the financial statements of the Magisterial District as of and for the year ended December 31, 2014. Professional standards require that we provide the Magisterial District and those charged with governance with information about our responsibilities under U.S. generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to the Magisterial District Judge dated March 10, 2015. Professional standards also require that we communicate the following information related to our audit.

Audit Findings Overview

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Magisterial District are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the audit period. We noted no transactions entered into by the Magisterial District during the audit period for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

The financial statement disclosures are neutral, consistent and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. As a result of the audit procedures, we did not detect any misstatements that required correction by management.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated January 14, 2016.

REPORT TO MANAGEMENT

COVER LETTER

Implementation Responsibilities and Purpose

In an effort to direct each finding to the proper level of management, the section titled Report to Management - Findings and Recommendations has been separated into two (2) categories: the Magisterial District and the AOPC. In reviewing this report, it is important to remember that the Magisterial District may have many sound controls that are not cited. This letter by nature is critical for the purpose of suggesting means of improving controls and operations. We believe that the following comments are deserving of your attention and recommend the adoption of our suggestions for improvement. Furthermore, our suggestions should not be construed as a criticism of or a reflection on the integrity of the Magisterial District's management or any employee of the Magisterial District.

Report Distribution

This report is intended solely for the use of the Magisterial District's management, the County and the Commonwealth of Pennsylvania. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

REPORT TO MANAGEMENT

FINDINGS AND RECOMMENDATIONS

Legend:

F – Finding

R – Recommendation

**MAGISTERIAL DISTRICT**

The Magisterial District staff consisted of one (1) magisterial district judge, one (1) court clerk administrator and five (5) judicial clerks.

During our audit, we became aware of significant deficiencies in internal control that have been identified as such in the separate report titled "Report on Significant Deficiencies and Material Weaknesses" dated January 14, 2016. The Internal Control and Internal Control - MDJS sections of the Report to Management detail the significant deficiencies noted in the Magisterial District's control environment and our recommendations for improvement. The Report to Management does not affect our "Independent Auditors' Report" dated January 14, 2016, on the financial statements of the Magisterial District.

Internal Control

A review of the internal control environment disclosed the following:

F1. A review of the financial transactions recorded and the procedures performed by the Magisterial District personnel revealed that there was a general lack of segregation of duties among the authorization, execution and recording of the transactions and the related assets. As discussed under the AOPC's Internal Control section, the MDJS' internal control structure design inherently lacks segregation of duties. Although this condition is not the sole reason for the lack of segregation, it does significantly contribute to this overall condition.

Additionally, it should be noted that the Magisterial District did not operate at full staff for the entire audit period. The shortage of personnel was another factor that partially contributed to the lack of segregation of duties. Furthermore, the lack of personnel could have caused a change in the Magisterial District's compliance with certain established control procedures, thereby weakening the overall internal control system.

R1. Although the small size of the office staff limits the extent of separation of duties, certain steps should be taken to separate incompatible duties. The basic premise to any internal control structure is that no one (1) employee should have access to both the physical assets and the related accounting records or to all phases of a transaction. Where possible, duties should be segregated to reduce the risk of errors or fraud.

*Continued...*

REPORT TO MANAGEMENT

FINDINGS AND RECOMMENDATIONS

Internal Control (Continued)

Auditee's Response:

- F1. We are now using the segregation of duties for 6 clerks which is suggested on page 5 section A of the internal control manual. We are now back to a full staff of 6 and unless someone is out for an extended period of time we will follow these guide lines for our daily operations. We will rotate on a monthly basis except for the bank rec. which will be done by the non-traffic clerk.

Case Analysis

As a part of the audit, sixty-seven (67) case files/citations issued during the audit period and certain MDJS reports were randomly selected and analyzed to determine the Magisterial District's compliance to the *Procedure Manual* with respect to the accurate recording of adjudications.

- F1. An analysis of traffic/non-traffic citations disclosed that the judicial seal was not affixed to three (3) adjudicated traffic citations selected for testing.
- R1. The Magisterial District should be reminded of the importance of ensuring that the judicial seal is affixed to all completed Certification of Dispositions.

Auditee's Response:

- F1. All clerks have been reminded that our court seal must be on all cases that the judge signs on the completed certification of disposition.

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Internal Control – MDJS

- F1. A review of the Magisterial District's internal control structure design disclosed certain conditions that require AOPC's attention:
- The established internal control structure provided each clerk with the opportunity to perform various overlapping financial transactions and case file/citation procedures in a given day. The pre-defined, role-based security assignments limited management's ability to individually assign user access to the MDJS based on employee experience, areas of responsibility and skill level.

Continued...



REPORT TO MANAGEMENT

FINDINGS AND RECOMMENDATIONS

Internal Control – MDJS (Continued)

- The design of the internal control does not include physical cash register drawers that are tied to the MDJS' receipting system.

The absence of appropriate segregation of duties and the lack of physical safeguards over receipt transactions provided a risk that errors or fraud in amounts may occur and not be detected within a timely period.

- R1. The responsibility for establishing and maintaining an acceptable internal control structure rests with the management of the AOPC and the Magisterial District. Management should review these applicable procedures and, where possible, segregate duties to reduce the risk of errors or fraud.

AOPC's Response:

- F1. The Administrative Office of Pennsylvania Courts (AOPC) strongly recommends that there is a segregation of duties within the magisterial district court office. Personnel should be cross-trained. Job functions that include the handling of cash, authorizing financial transaction adjustments, maintaining the accounting records for monies received and disbursed, and monitoring collection procedures on the various case types should be segregated and rotated on a regular basis. Without adequate segregation of duties, internal controls can be circumvented resulting in the possibility of significant irregularities.

The *Magisterial District Court Facility & Equipment Guidelines* approved by the Supreme Court and issued by the Judicial Programs Department of the Administrative Office of Pennsylvania Courts (AOPC) provide specific minimum recommendations for magisterial district facilities and equipment. The guidelines suggest that the staff work area should be provided with a locking cash box. They also suggest that each workstation or desk configuration should include, at a minimum, one locking drawer. Monies received by personnel should be stored in a locked cash box or locking desk drawer until the end of the day when the monies are to be deposited in a financial institution. The Magisterial District Judge System (MDJS) can be customized in each court to have one cashier drawer per staff. All receipts in the MDJS display the individual cashier who processed the payment.

Receipt(s) should be provided to the payor upon receiving the payment at the magisterial district court. All money, including partial payments received by the magisterial district court, (e.g. cash, checks, and money orders), shall be deposited in the bank at the end of every business day. A bank night depository may be used by all night courts as well as by any court that cannot get to the bank during regular banking hours. Money should not be taken home, left in the office overnight, or unattended.

EXIT CONFERENCE ATTENDANCE

An exit conference was not held. The Magisterial District chose to respond by electronic mail, which was received on January 14, 2016.