

COMPLIANCE AUDIT

Register of Wills/ Clerk of Orphans' Court Luzerne County, Pennsylvania For the Period January 1, 2016 to December 31, 2019

April 2021



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

The Honorable C. Daniel Hassell
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have conducted a compliance audit of the Register of Wills/Clerk of Orphans' Court, Luzerne County, Pennsylvania (County Officer), for the period January 1, 2016 to December 31, 2019, pursuant to the requirements of Sections 401(b) and 401(d) of *The Fiscal Code*, 72 P.S. § 401(b) and § 401(d).

The objective of the audit was to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted and to provide a report to the Department of Revenue to allow the Department of Revenue to state and settle the County Officer's accounts. Our audit was limited to areas related to the objective identified above and was not conducted, nor was it required to be, in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

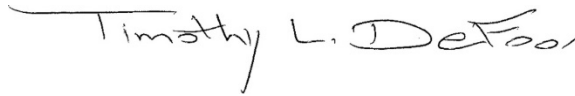
The County Officer is responsible for establishing and maintaining effective internal controls to provide reasonable assurance of compliance with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted. The County Officer is also responsible for complying with those laws and regulations. It is our responsibility to perform procedures to obtain sufficient, appropriate evidence to the extent necessary to satisfy the audit objective. We believe that our audit provides a reasonable basis for our conclusions.

Based on our audit procedures, we conclude that, for the period January 1, 2016 to December 31, 2019, the County Officer, in all significant respects, complied with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted.

This report includes summaries of the County Officer's receipts and disbursements of funds collected on behalf of the Commonwealth (summaries). We obtained data representing the County Officer's receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's register of wills and clerk of orphans' court offices, and used the data to create the summary in the format required by the Department of Revenue. We also evaluated the accuracy of the data as part of our audit to conclude on the County Officer's compliance with certain state laws and regulations as described in the previous paragraph. Any adjustments that we considered necessary based on our audit work are disclosed in the *Audit Adjustments* line of the summaries; however, the scope of our audit does not include the issuance of an opinion on the accuracy of the amounts reported in the summaries.

The purpose of this report is to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted. This report is not suitable for any other purposes.

The contents of this report were discussed with the management of the County Officer. We appreciate the courtesy extended by the Register of Wills/Clerk of Orphans' Court, Luzerne County, to us during the course of our audit. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.

A handwritten signature in black ink that reads "Timothy L. DeFoor". The signature is written in a cursive style with a long horizontal line extending to the left of the first letter.

Timothy L. DeFoor
Auditor General

April 1, 2021

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REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
LUZERNE COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

The Department of Auditor General is mandated by Article IV, Section 401(b) and (d) of *The Fiscal Code* (Act of April 9, 1929, P.L.343, No. 176), to audit the accounts of each county officer to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported and promptly remitted.

Register of Wills receipts consist of monies collected on behalf of the Commonwealth. These include monies collected for the following taxes and fees:

- Inheritance Taxes taxes filed with the Register of Wills.
- Judicial Computer System/Access To Justice Fees of \$35.50 imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts. Effective October 30, 2017, Act 40 and Act 44 increased the fee to \$40.25.
- For the purpose of reporting the collection of Judicial Computer System/Access To Justice Fees to the Department of Revenue, the office combined the Register of Wills and Clerk of Orphans' Court collections and reported them on the Clerk of Orphans' Court's monthly report. Therefore, the amount reported on the Clerk of Orphans' Court's statement of receipts and disbursements includes the fees collected for the office of the Register of Wills.

Clerk Of Orphans' Court receipts consist of monies collected on behalf of the Commonwealth. These include monies collected for the following taxes, surcharges, and fees:

- Marriage License Tax of \$.50 on all marriage licenses filed with the Clerk of Orphans' Court.
- Marriage License Application Surcharge of \$10 imposed on all marriage license applications.
- The Marriage License Declaration Fees of \$13 imposed for the issuance of a marriage license or declaration of which the Commonwealth's portion is \$10.
- Judicial Computer System/Access To Justice Fees of \$35.50 imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts. Effective October 30, 2017, Act 40 and Act 44 increased the fee to \$40.25.

REGISTER OF WILLS/
 CLERK OF ORPHANS' COURT
 LUZERNE COUNTY
 BACKGROUND
 FOR THE PERIOD
 JANUARY 1, 2016 TO DECEMBER 31, 2019

Total disbursements for the audit period are comprised as follows:

Register Of Wills

Inheritance Taxes

Deposits into the Department of Revenue's cash management account	\$ 104,772,303
Credits issued by the Department of Revenue	<u>46,930</u>
Total	<u><u>\$ 104,819,233</u></u>

The Register of Wills participates in the Department of Revenue's cash management system for Inheritance Taxes. Under this system, the "Agent" deposits Inheritance Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes. This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance does not reflect adjustments disclosed by our audit.

Clerk Of Orphans' Court

Total disbursements are comprised as follows:

Clerk of Orphans' Court checks issued to:	
Department of Revenue	\$ 383,144
Credit taken on the current audit for the prior audit period: January 1, 2008 to December 31, 2011	<u>12</u>
Total	<u><u>\$ 383,156</u></u>

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance does not reflect adjustments disclosed by our audit.

Joan Hoggarth served as the division head of the Register of Wills/Clerk of Orphans' Court during the period January 1, 2016 to December 31, 2019.

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
LUZERNE COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Luzerne County adopted a Home Rule Charter effective January 3, 2012. The position of an officeholder for the Register of Wills/Clerk of Orphans' Court was eliminated with the adoption of a Home Rule Charter. An appointed County Manager oversees all functions of the formerly elected Luzerne County row offices. The Register of Wills/Clerk of Orphans' Court Office function is under the Luzerne County's Division of Judicial Services and Records. A division head was appointed to oversee the Register of Wills/Clerk of Orphans' Court Office function.

The summaries of receipts and disbursements provide a summary of receipts and disbursements by category. The categories and the amounts of taxes, fees, and surcharges assessed are based on Pennsylvania laws and regulations.

The summaries were 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.

Audit Adjustment - Register of Wills Summary

The \$25 adjustment represents the difference of \$1,205 that was erroneously deposited into the cash management account and returned by Revenue and a \$1,230 receipt from March 2019 that was voided and reissued in April 2019.

Audit Adjustment - Clerk of Orphans' Court Summary

The \$12 adjustment represents a prior audit period credit due the Clerk of Orphans' Court that was claimed in January 2017.

REGISTER OF WILLS
LUZERNE COUNTY
SUMMARY OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Receipts:

Inheritance Taxes	\$ 104,819,387
Disbursements and credits to Commonwealth	<u>(104,819,233)</u>
Balance due Commonwealth (County) per settled reports	154
Audit adjustments	<u>(25)</u>
Adjusted balance due Commonwealth (County) for the period January 1, 2016 to December 31, 2019	<u>\$ 129</u>

CLERK OF ORPHANS' COURT
 LUZERNE COUNTY
 SUMMARY OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2016 TO DECEMBER 31, 2019

Receipts:

Marriage License Taxes	\$	3,220
Marriage License Application Surcharges		64,400
Marriage License Declaration Fees		64,400
Judicial Computer System/Access To Justice Fees		<u>251,136</u>
Total Receipts		383,156
Disbursements to Commonwealth		<u>(383,144)</u>
Balance due Commonwealth (County) per settled reports		12
Audit adjustments		<u>(12)</u>
Adjusted balance due Commonwealth (County) for the period January 1, 2016 to December 31, 2019	\$	<u><u>-</u></u>

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
LUZERNE COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

This report was initially distributed to:

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue

The Honorable H. Geoffrey Moulton, Jr.
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

The Honorable Joan Hoggarth
Judicial Services and Records Director

The Honorable Michelle A. Bednar
Controller

The Honorable Tim McGinley
Chairperson of the Board of Commissioners

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.