

# **SONOMA COUNTY**

Audit Report

## **COURT REVENUES**

*July 1, 2015, through June 30, 2019*



**BETTY T. YEE**  
California State Controller

January 2022



**BETTY T. YEE**  
**California State Controller**

January 31, 2022

The Honorable Erick Roeser,  
Auditor-Controller-Treasurer-Tax Collector  
Sonoma County  
585 Fiscal Drive, Suite 100  
Santa Rosa, CA 95403

Arlene D. Junior, Court Executive Officer  
Superior Court of California,  
Sonoma County  
600 Administration Drive  
Santa Rosa, CA 95403

Dear Mr. Roeser and Ms. Junior:

The State Controller's Office (SCO) audited the propriety of the court revenues remitted by Sonoma County to the State Treasurer for the period of July 1, 2015, through June 30, 2019.

Our audit found that the county underremitted a net of \$659,913 in state court revenues to the State Treasurer because it:

- Underremitted the State Trial Court Improvement and Modernization Fund (Government Code [GC] section 77205) by \$616,099;
- Underremitted the State Penalty Fund (Penal Code section 1464) by \$16,807;
- Underremitted the State DNA Identification Fund (GC section 76104.6) by \$602;
- Underremitted the State DNA Identification Fund (GC section 76104.7) by \$9,578;
- Underremitted the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (GC section 70372[a]) by \$4,799;
- Underremitted the State Court Facilities Construction Fund (GC section 70372[a]) by \$7,189;
- Underremitted the State General Fund (Penal Code section 1465.7) by \$4,899; and
- Overremitted the State Trial Court Improvement and Modernization Fund (GC section 68090.8) by \$60.

In addition, we found that the county used incorrect qualified revenue amounts in its calculation of the 50% excess of qualified revenues. We also found that the court made incorrect distributions related to DUI, fish and game, and health and safety violations. Additionally, the court incorrectly allocated total traffic violator school fees. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations and of revenues from juvenile cases.

We also identified a deficiency that is not significant to our audit objective, but warrants the attention of management. Specifically, we found that the court did not distribute the first 30% of the amount collected from red light violations to the appropriate agency.

The Honorable Erick Roeser,  
Auditor-Controller-Treasurer-Tax Collector  
Arlene D. Junior, Court Executive Officer

-2-

January 31, 2022

The county should remit \$659,913 to the State Treasurer via the Report to State Controller of Remittance to State Treasurer (TC-31), and include the Schedule of this audit report. On the TC-31, the county should specify the account name identified on the Schedule of this audit report and state that the amounts are related to the SCO audit period of July 1, 2015, through June 30, 2019.

The county should not combine audit finding remittances with current revenues on the TC-31. A separate TC-31 should be submitted for the underremitted amounts for the audit period. For your convenience, the TC-31 and directions for submission to the State Treasurer's Office are located at [https://www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](https://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html).

The underremitted amounts are due no later than 30 days after receipt of this final audit report. The SCO will add a statutory 1.5% per month penalty on the applicable delinquent amounts if payment is not received within 30 days of issuance of this final audit report.

Once the county has paid the underremitted amounts, the Tax Programs Unit will calculate interest on the underremitted amounts and bill the county in accordance with Government Code sections 68085, 70353, and 70377.

Please mail a copy of the TC-31 and documentation supporting the corresponding adjustments to the attention of the following individual:

Tax Accounting Unit Supervisor  
Bureau of Tax, Administration, and Government Compensation  
Local Government Programs and Services Division  
State Controller's Office  
Post Office Box 942850  
Sacramento, CA 94250

If you have questions regarding the audit findings, please contact Lisa Kurokawa, Chief, Compliance Audits Bureau, by telephone at (916) 327-3138, or by email at [lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov).

Sincerely,

*Original signed by*

KIMBERLY TARVIN, CPA  
Chief, Division of Audits

KT/as

The Honorable Erick Roeser,  
Auditor-Controller-Treasurer-Tax Collector  
Arlene D. Junior, Court Executive Officer

-3-

January 31, 2022

cc: The Honorable Lynda Hopkins, Chair  
Sonoma County Board of Supervisors  
Levi Ehrlich, General Accounting Manager  
Sonoma County Auditor-Controller-Treasurer-Tax Collector  
Dorothy Sleeth, Financial Reporting Manager  
Sonoma County Auditor-Controller-Treasurer-Tax Collector  
Christine Williams, Administrative Services Director  
Probation Department  
Sonoma County  
Linda Lehmann, Supervising Accountant  
Probation Department  
Sonoma County  
Linda Walker, Finance and Facilities Division Director  
Superior Court of California, Sonoma County  
Grant Parks, Manager  
Internal Audit Services  
Judicial Council of California  
Lynda Gledhill, Executive Officer  
California Victim Compensation Board  
Anita Lee, Senior Fiscal and Policy Analyst  
Legislative Analyst's Office  
Sandeep Singh, Manager  
Local Government Policy Unit  
State Controller's Office  
Jennifer Montecinos, Manager  
Tax Programs Unit  
State Controller's Office

# Contents

## **Audit Report**

<b>Summary .....</b>	<b>1</b>
<b>Background .....</b>	<b>1</b>
<b>Audit Authority.....</b>	<b>1</b>
<b>Objective, Scope, and Methodology .....</b>	<b>2</b>
<b>Conclusion .....</b>	<b>3</b>
<b>Follow-up on Prior Audit Findings.....</b>	<b>4</b>
<b>Views of Responsible Officials.....</b>	<b>4</b>
<b>Restricted Use .....</b>	<b>5</b>
<b>Schedule—Summary of Audit Findings Affecting Remittances to the State Treasurer .....</b>	<b>6</b>
<b>Findings and Recommendations.....</b>	<b>7</b>
<b>Observation and Recommendation .....</b>	<b>25</b>
<b>Appendix—Summary of Prior Audit Findings.....</b>	<b>A1</b>
<b>Attachment A—County’s Response to Draft Audit Report</b>	
<b>Attachment B—Superior Court’s Response to Draft Audit Report</b>	

# Audit Report

## Summary

The State Controller's Office (SCO) performed an audit to determine the propriety of court revenues remitted to the State of California by Sonoma County on the Report to State Controller of Remittance to State Treasurer (TC-31) for the period of July 1, 2015, through June 30, 2019.

Our audit found that a net of \$659,913 in state court revenues was underremitted to the State Treasurer. In addition, we found that the county used incorrect qualified revenue amounts in its calculation of the 50% excess of qualified revenues. We also found that the court made incorrect distributions related to DUI, fish and game, and health and safety violations. Additionally, the court incorrectly allocated total traffic violator school (TVS) fees. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations and of revenues from juvenile cases.

## Background

State statutes govern the distribution of court revenues, which include fines, penalties, assessments, fees, restitutions, bail forfeitures, and parking surcharges. Whenever the State is entitled to receive a portion of such money, the court is required by GC section 68101 to deposit the State's portion of court revenues with the County Treasurer as soon as is practical and provide the County Auditor with a monthly record of collections. This section further requires that the County Auditor transmit the funds and a record of the money collected to the State Treasurer at least once a month.

The SCO publishes the *Trial Court Revenue Distribution Guidelines (Distribution Guidelines)* to provide direction on the distribution of fines, fees, forfeitures, penalties, and assessments. The *Distribution Guidelines* group code sections that share similar exceptions, conditions, or distributions into a series of nine tables.

The Judicial Council of California (JCC) provides forms and worksheets to ensure the proper calculation and distribution of fines, fees, forfeitures, penalties, and assessments. The guidance includes forms used to compute the annual maintenance-of-effort (MOE) calculation and worksheets to verify the more complex revenue distributions.

## Audit Authority

We conducted this audit under the authority of GC section 68103, which requires the SCO to review the county's reports and records to ensure that all fines and forfeitures have been transmitted. In addition, GC section 68104 authorizes the SCO to examine records maintained by the court. Furthermore, GC section 12410 provides the SCO with general audit authority to superintend the fiscal concerns of the State.

## **Objective, Scope, and Methodology**

Our audit objective was to determine the propriety of court revenues remitted by Sonoma County to the State Treasurer pursuant to the TC-31 process.

The audit period was July 1, 2015, through June 30, 2019.

To achieve our objective, we performed the following procedures:

### General

- We interviewed county personnel regarding the monthly TC-31 remittance process and the MOE calculation.
- We interviewed court personnel regarding the revenue distribution process and the case management system.
- We reviewed documents supporting the transaction flow.
- We scheduled monthly TC-31 remittances prepared by the county and the court showing court revenue distributions to the State.
- We performed a review of the complete TC-31 remittance process for revenues collected and distributed by the county and the court.

### Cash Collections

- We scheduled monthly cash disbursements prepared by the county and the court showing court revenue distributions to the State, county, and cities for all fiscal years in the audit period.
- We performed analytical procedures using ratio analysis for state and county revenues to assess the reasonableness of the revenue distributions based on statutory requirements.
- We recomputed the annual MOE calculation for all fiscal years in the audit period to verify the accuracy and completeness of the 50% excess of qualified revenues remitted to the State.

### Distribution Testing

- We assessed the priority of installment payments by haphazardly selecting a non-statistical sample of 11 installment payments to verify priority. No errors were identified.
- We scheduled parking surcharge revenues collected from entities that issue parking citations within the county to ensure that revenues were correct, complete, and remitted in accordance with state statutory requirements. No errors were identified.
- We performed a risk evaluation of the county and court and identified violation types that are prone to errors due to either their complexity and/or statutory changes during the audit period. Based on the risk

evaluation, we haphazardly selected a non-statistical sample of 224 cases for 11 violation types.<sup>1</sup> Then, we:

- Recomputed the sample case distributions and compared them to the actual distributions; and
- Calculated the total dollar amount of significant underremittances and overremittances to the State and county.

Errors found were not projected to the intended (total) population.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

We did not audit the financial statements of the county, the court, or the various agencies that issue parking citations. We did not review any court revenue remittances that the county and court may be required to make under GC sections 70353 and 77201.1(b), included in the TC-31.

## Conclusion

As a result of performing the audit procedures, we found instances of noncompliance with the requirements described in our audit objective. Specifically, we found that a net of \$659,913 in state court revenues was underremitted to the State Treasurer as follows:

- Underremitted the State Trial Court Improvement and Modernization Fund (GC section 77205) by \$616,099;
- Underremitted the State Penalty Fund (PC section 1464) by \$16,807;
- Underremitted the State DNA Identification Fund (GC section 76104.6) by \$602;
- Underremitted the State DNA Identification Fund (GC section 76104.7) by \$9,578;
- Underremitted the Immediate and Critical Needs Account (GC section 70372[a]) by \$4,799;
- Underremitted the State Court Facilities Construction Fund (GC section 70372[a]) by \$7,189;
- Underremitted the State General Fund (PC section 1465.7) by \$4,899; and
- Overremitted the State Trial Court Improvement and Modernization Fund (GC section 68090.8) by \$60.

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<sup>1</sup> We were not able to identify the case population due to the inconsistent timing of when tickets were issued versus when they were paid, and the multitude of entities that remit collections to the county for remittance to the State.



In addition, we found that the county used incorrect qualified revenue amounts in its calculation of the 50% excess of qualified revenues. We also found that the court made incorrect distributions related to DUI, fish and game, and health and safety violations. Additionally, the court incorrectly allocated total TVS fees. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations and of revenues from juvenile cases.

These instances of noncompliance are quantified in the Schedule and described in the Findings and Recommendations section of this audit report.

We also identified a deficiency that is not significant to our audit objective, but warrants the attention of management. Specifically, we found that the court did not distribute the first 30% of the amount collected to the appropriate agency (PC section 1463.11). This instance of noncompliance is described in the Observation and Recommendation section.

### **Follow-up on Prior Audit Findings**

The county has satisfactorily resolved the findings noted in our prior audit report, for the period of July 1, 2005, through June 30, 2011, issued May 10, 2013, with the exception of Findings 1, 2, and 6 of this audit report. See the Appendix for the current-year status of the prior audit findings.

### **Views of Responsible Officials**

We issued a draft audit report on December 14, 2021. Erik Roser, CPA, Auditor-Controller-Treasurer-Tax Collector, Sonoma County, responded by letter dated December 23, 2021, agreeing with Finding 1.

In addition, Arlene D. Junior, Court Executive Officer, Sonoma County Superior Court, responded by letter dated December 23, 2021, indicating that the court has made corrections in response to Finding 2. Furthermore, the court indicated that it will review and make necessary corrections in response to Findings 1, 3, 4, and 5 and the Observation.

On December 25, 2021, we received an email from Christine Williams, Administrative Services Director of the Sonoma County Probation Department, stating that the department would not provide a formal response. However, Ms. Williams' email also stated, "We have carefully reviewed the draft report and have taken steps to address the recommendations relevant to our operations and within our control."

The county and court's responses are included as Attachments A and B to this audit report.

**Restricted Use**

This audit report is solely for the information and use of Sonoma County; Superior Court of California, Sonoma County; the JCC; and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this audit report, which is a matter of public record and is available on the SCO website at [www.sco.ca.gov](http://www.sco.ca.gov).

*Original signed by*

KIMBERLY TARVIN, CPA  
Chief, Division of Audits

January 31, 2022

**Schedule—**  
**Summary of Audit Findings Affecting Remittances to the State Treasurer**  
**July 1, 2015, through June 30, 2019**

Finding <sup>1</sup>	Fiscal Year				Total	Reference <sup>2</sup>
	2015-16	2016-17	2017-18	2018-19		
Underremitted 50% Excess of Qualified Revenues						
State Trial Court Improvement and Modernization Fund — GC §77205	\$ 200,979	\$ 163,791	\$ 134,671	\$ 116,658	\$ 616,099	Finding 1
Incorrect Distribution of Driving Under the Influence Violations						
State Penalty Fund — PC §1464	-	-	8,010	8,797	16,807	
State DNA Identification Fund — GC §76104.6	-	-	287	315	602	
State DNA Identification Fund — GC §76104.7	-	-	4,565	5,013	9,578	
State Court Facilities Construction Fund — Immediate and Critical Needs Account — GC §70372(a)	-	-	2,287	2,512	4,799	
State Court Facilities Construction Fund — GC §70372(a)	-	-	3,426	3,763	7,189	
State General Fund — PC §1465.7	-	-	2,335	2,564	4,899	
State Trial Court Improvement and Modernization Fund — GC §68090.8	-	-	(29)	(31)	(60)	
Total	-	-	20,881	22,933	43,814	Finding 2
Net amount underremitted to the State Treasurer	\$ 200,979	\$ 163,791	\$ 155,552	\$ 139,591	\$ 659,913	

<sup>1</sup>The identification of state revenue account titles should be used to ensure proper recording when preparing the TC-31.

<sup>2</sup>See the Findings and Recommendations section.

# Findings and Recommendations

**FINDING 1—  
Underremitted the  
50% excess of  
qualified fines, fees,  
and penalties  
(Repeat Finding)**

During our recalculation of the 50% excess of qualified revenues, we found that the county used incorrect qualified revenue amounts in its calculation for each fiscal year. As a result of these errors, the county underremitted the 50% excess of qualified revenues by \$616,099 for the audit period.

For the audit period, the county provided support for its calculation of the 50% excess of qualified revenues. We reviewed the county's calculation and reconciled the qualified revenues to revenue collection reports provided by the court.

We noted that the county incorrectly excluded the revenues collected for the Courthouse Construction Fund (GC section 76100), the Criminal Justice Facilities Construction Fund (GC section 76101), the Maddy Emergency Medical Services Fund (GC section 76104 and GC section 76000.5), and city base fines (Vehicle Code [VC] section 42007[c]) from its calculation of TVS fees (VC section 42007) for the audit period. Additionally, the county incorrectly excluded revenues from base fines (PC section 1463.001) collected by the probation department from calculation of the 50% excess of qualified revenues. Furthermore, the county slightly overstated revenues in its calculations of base fines (PC section 1463.001), state penalty (PC section 1464), and TVS fees (VC section 42007).

During our testing of court cases, we found that the court did not correctly distribute revenues to the Alcohol and Drug Testing Account (PC section 1463.17). The incorrect distributions led to an understatement in the State Penalty line item (PC section 1464) and an overstatement in the Base Fines line item (PC section 1463.001). In addition, we found that the court did not correctly allocate total TVS fees (VC section 42007) collected for city arrest cases to different sub-accounts. All of these errors caused misstatements in the county's qualified revenue calculation.

We recalculated the county's qualified revenues based on actual court revenues collected for each fiscal year. We found that the county understated qualified revenues by \$1,232,196 for the audit period.

Qualified revenues were understated for the following reasons:

- The county slightly overstated qualified revenues by \$280 for the Base Fines line item (PC section 1463.001), \$1,174 for the State Penalty line item (PC section 1464), and \$102 for the TVS Fees line item (VC section 42007).
- The county understated qualified revenues by \$31,034 because it incorrectly excluded revenues collected for the Courthouse Construction Fund (GC section 76100) from its calculation of TVS fees (VC section 42007).
- The county understated qualified revenues by \$31,034 because it incorrectly excluded revenues collected for the Criminal Justice

Facilities Construction Fund (GC section 76101) from its calculation of TVS fees (VC section 42007).

- The county understated qualified revenues by \$297,961 because it incorrectly excluded revenues collected for the Maddy Emergency Medical Services Fund (GC section 76104) from its calculation of TVS fees (VC section 42007).
- The county understated qualified revenues by \$297,961 because it incorrectly excluded revenues collected for the Maddy Emergency Medical Services Fund (GC section 76000.5) from its calculation of TVS fees (VC section 42007).
- The county understated qualified revenues by \$580,159 because it incorrectly excluded revenues collected for city base fines (VC section 42007[c]) from its calculation of TVS fees (VC section 42007).
- The county understated qualified revenues by \$40,629 because it incorrectly excluded revenues collected by the probation department for base fines (PC section 1463.001) from its calculation of the Base Fines line item (PC section 1463.001).
- As noted in Finding 2, the court did not correctly distribute the revenues from DUI cases. This error resulted in an understatement of \$7,189 in qualified revenues for the State Penalty line item (PC section 1464) and overstatement of \$34,414 in qualified revenues for the Base Fines line item (PC section 1463.001).
- As noted in Finding 5, the court did not correctly allocate total TVS fees (VC section 42007) collected for city arrest cases into sub-accounts. This error resulted in an overstatement of \$17,801 in qualified revenues for the TVS Fee line item (VC section 42007).

The following table shows the audit adjustments to the qualified revenues:

	Fiscal Year				Total
	2015-16	2016-17	2017-18	2018-19	
Qualified revenues reported	\$3,510,290	\$3,096,763	\$2,661,357	\$2,401,321	\$11,669,731
Audit adjustment:					
PC § 1463.001 variance	(280)	-	-	-	(280)
PC § 1463.001 overstatement	-	-	(16,325)	(18,089)	(34,414)
PC § 1463.001 understatement	9,445	12,153	9,699	9,332	40,629
PC § 1464 variance	(207)	(86)	(452)	(429)	(1,174)
PC § 1464 understatement	-	-	3,426	3,763	7,189
VC § 42007 variance	(102)	-	-	-	(102)
VC § 42007 overstatement	(5,698)	(4,661)	(4,029)	(3,413)	(17,801)
GC § 76100 understatement	9,579	7,749	7,412	6,294	31,034
GC § 76101 understatement	9,579	7,749	7,412	6,294	31,034
GC § 76104 understatement	97,704	74,386	66,708	59,163	297,961
GC § 76000.5 understatement	97,704	74,386	66,708	59,163	297,961
VC § 42007(c) understatement	184,234	155,905	128,783	111,237	580,159
Total audit adjustment	401,958	327,581	269,342	233,315	1,232,196
Audited revenues	\$3,912,248	\$3,424,344	\$2,930,699	\$2,634,636	\$12,901,927

The incorrect qualified revenues resulted in the county underremitting the 50% excess of qualified revenues by \$616,099 for the audit period.

The following table summarizes the underremittance of the 50% excess of qualified revenues by fiscal year:

<u>Fiscal Year</u>	<u>Qualified Revenues</u>	<u>Revenue Base</u>	<u>Excess Amount above the Base</u>	<u>50% Excess due the State</u>	<u>Remitted</u>	<u>Underremitted<sup>1</sup></u>
2015-16	\$ 3,912,248	\$ 2,316,999	\$ 1,595,249	\$ 797,625	\$ 596,646	\$ 200,979
2016-17	3,424,344	2,316,999	1,107,345	553,673	389,882	163,791
2017-18	2,930,699	2,316,999	613,700	306,850	172,179	134,671
2018-19	2,634,636	2,316,999	317,637	158,819	42,161	116,658
Total						<u>\$ 616,099</u>

<sup>1</sup>When remitted to the State Treasurer, this amount should be identified on the TC-31 as State Trial Court Improvement and Modernization Fund – GC §77205.

The 50% excess of qualified revenues was incorrectly calculated because the county misinterpreted the calculation guidelines. Specifically, the court’s case management system’s ability to generate the required components for the county’s calculation was limited. However, it is the county’s responsibility to ensure that the calculation is complete and accurate.

GC section 77205 requires the county to remit 50% of the qualified revenues that exceed the amount specified in GC section 77201.1(b)(2) for fiscal year (FY) 1998-99, and each fiscal year thereafter, to the State Trial Court Improvement and Modernization Fund.

As discussed in Finding 1 of our prior audit report dated May 10, 2013, the county underremitted 50% excess of qualified revenues. This is a repeat finding because the county did not correctly include the probation fines noted in our prior audit report.

Recommendation

We recommend that the county’s Auditor-Controller-Treasurer-Tax Collector:

- Remit \$616,099 to the State Treasurer and report on the TC-31 form an increase to the State Trial Court Improvement and Modernization Fund (GC section 77205);
- Ensure that the proper accounts are included in the calculation of each line item on the 50-50 Excess Split Revenue Computation Form; and
- Coordinate with the cities regarding the city base fines (VC section 42007[c]).

County's Response

- The County agrees with this finding and will submit \$616,099 and a report the submission on a TC-31 Form coded to the State Trial Court Improvement and Modernization Fund (GC section 77205);
- The County will make every effort to ensure proper accounts are included in the 50-50 calculation, but remains subject to the limitation that the reported amounts are sourced almost exclusively from detailed records provided by Sonoma County Superior Courts (Courts), an entity under State governance. The County has no authority for oversight, audit, or policy, and no means to affect the systems and recordkeeping of Courts. Complete and accurate revenue distribution cannot be accomplished without complete and accurate Court's system records;
- The County will coordinate with the cities and others to recover amounts due to the State that were over-allocations of base fines to these jurisdictions.

Court's Response

The Court will review and make necessary corrections to the programming of distributions related to TVS fees (VC section 42007) absent any limitations from the Court's Traffic Case Management System. The Court will work with their Traffic Case Management System vendor to provide additional reporting to the County for TVS citations to assist the County with reporting the 50% excess of qualified revenues.

The Court corrected the distribution for PC section 1463.17 upon notification of the audit finding.

**FINDING 2—  
Incorrect distribution  
of revenues from DUI  
violations – Court  
(Repeat Finding)**

During our distribution testing of DUI cases, we found that the court did not allocate DUI revenues to the Alcohol and Drug Testing Account (PC section 1463.17) from an appropriate account for FY 2017-18 to FY 2018-19, resulting in a net underremittance of \$43,814 to the State.

We verified, on a sample basis, distributions made by the court using its case management system. For each sampled case, we recomputed the distributions and compared them to the actual distributions.

We found that the court incorrectly allocated the DUI revenues from the total fine to the Alcohol and Drug Testing Account (PC section 1463.17) instead of to base fines (PC section 1463.001) for FY 2017-18 and FY 2018-19. The incorrect allocation resulted in underremittances and overremittances to the following funds:

- State Penalty Fund (PC section 1464);
- DNA Identification Fund (GC section 76104.6);
- DNA Identification Fund (GC section 76104.7);
- State Court Facilities Construction Fund (GC section 70372[a]);

- Immediate and Critical Needs Account (GC section 70372[a]);
- State General Fund (PC section 1465.7);
- State Trial Court Improvement and Modernization Fund (GC section 68090.8);
- Courthouse Construction Fund (GC section 76100);
- Criminal Justice Facilities Construction Fund (GC section 76101);
- Maddy Emergency Medical Services Fund (GC section 76104);
- Maddy Emergency Medical Services Fund (GC section 76000.5); and
- County General Fund (PC section 1463.001).

We discussed these errors with the court and performed a revenue analysis to determine the effect on the various funds. We determined that the distribution errors resulted in a net underremittance of \$43,814 to the State. Furthermore, the errors caused an overstatement of \$34,414 ( $\$45,886 \times 75\%$ ) in the qualified revenues for the Base Fines line item (PC section 1463.001) and an understatement of \$ 7,189 for the State Penalty line item (PC section 1464) used for the county's 50% excess of qualified revenues calculation.



The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State Penalty Fund – PC §1464	\$ 16,807
DNA Identification Fund – GC §76104.6	602
DNA Identification Fund – GC §76104.7	9,578
State Court Facilities Construction Fund – ICNA – GC §70372(a)	4,799
State Court Facilities Construction Fund – GC §70372(a)	7,189
State General Fund – PC §1465.7	4,899
State Trial Court Improvement and Modernization Fund – GC §68090.8	(60)
<b>Total underremittance to the State</b>	<b>\$ 43,814</b>
State Penalty Fund – PC §1464	\$ 7,189
DNA Identification Fund – GC §76104.6	1,807
Courthouse Construction Fund – GC §76100	4,799
Criminal Justice Facilities Construction Fund – GC §76101	9,598
Maddy Emergency Medical Services Fund – GC §76104	2,390
Maddy Emergency Medical Services Fund – GC §76000.5	4,799
County General Fund – PC §1463.001	(45,886)
<b>Total overremittance to the county</b>	<b>\$ (15,304)</b>
City accounts:	
Cloverdale	\$ (820)
Cotati	(1,734)
Healdsburg	(1,225)
Petaluma	(6,161)
Rohnert Park	(2,853)
Santa Rosa	(11,384)
Sebastopol	(1,654)
Sonoma	(1,103)
Santa Rosa Junior College	(394)
Windsor	(959)
Sonoma State University	(223)
<b>Total overremittance to cities</b>	<b>\$ (28,510)</b>

The error occurred because the court incorrectly configured its case management system.

Table 2, PC 1463.17 – Alcohol and Drug Testing, of the SCO’s *Distribution Guidelines* (version 31; January 1, 2021) requires that \$50 per conviction be transferred from PC section 1463.001 general collections in Sonoma County to a county, city, or special district special account, depending on where costs were incurred for performing analysis of blood, breath, or urine.

As discussed in Finding 7 of our prior audit report dated May 10, 2013, the court did not appropriately distribute revenues from DUI violations. This is a repeat finding because the court did not correct the distribution errors noted in our prior audit report.

Recommendation

We recommend that the county remit \$43,814 to the State Treasurer and report on the TC-31 form:

- A \$16,807 increase to the State Penalty Fund (PC section 1464);
- A \$602 increase to the DNA Identification Fund (GC section 76104.6);
- A \$9,578 increase to the DNA Identification Fund (GC section 76104.7);
- A \$4,799 increase to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (GC section 70372[a]); and
- A \$7,189 increase to the State Court Facilities Construction Fund (GC section 70372[a]).
- A \$4,899 increase to the State General Fund (PC section 1465.7)
- A \$60 decrease to the State Trial Court Improvement and Modernization Fund (GC section 68090.8)

We also recommend that the court:

- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

#### Court's Response

The Court corrected the distribution for PC section 1463.17 upon notification of the audit finding.

### **FINDING 3— Incorrect distribution of revenues from fish and game violations – Court**

During our testing of court cases related to the Fish and Game Code, we found that the court did not properly distribute revenues to the State Trial Court Improvement and Modernization Fund (GC section 68090.8) and the State Court Facilities Construction Fund (GC section 70372[a]).

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions.

We found that the court failed to transfer 2% of the \$15 additional penalty required by Fish and Game Code section 12021 and 2% of the state penalty (PC section 1464) to the 2% state automation fee (GC section 68090.8) for Fish and Game Code misdemeanor violations. As a result, the State Trial Court Improvement and Modernization Fund was underremitted. We also found that the court overremitted revenues to the State Court Facilities Construction Fund (GC section 70372[a]).

We performed an analysis of the Fish and Game Code-related revenues to determine the fiscal effect of these distribution errors. We found that the errors did not have a material effect on the revenues remitted to the State.

These errors occurred because the court incorrectly configured its case management system.

Table 7, GC 68090.8 – Cost of Automating Record Keeping for Criminal Cases, of the SCO’s *Distribution Guidelines* requires that, before any other required distribution is made, the 2% of all fines, penalties, and forfeitures collected in criminal cases be remitted to the State Trial Court Improvement and Modernization Fund to pay the costs of automating trial court record keeping systems for criminal cases, including traffic cases.

Table 6, GC 70372(a) – State Court Construction Penalty; Criminal Offenses, of the SCO’s *Distribution Guidelines* requires that an additional penalty of \$5 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected. The penalty is assessed on all criminal offenses.

#### Recommendation

We recommend that the court:

- Ensure that 2% of the \$15 additional penalty for violations of the Fish and Game Code section 12021 and of state penalty (PC section 1464) is transmitted to the State Trial Court Improvement and Modernization Fund (GC section 68090.8);
- Review distributions for accuracy and completeness before remittance to the county’s Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC’s distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

#### Court’s Response

The Court will review and make necessary corrections to the programming of distributions related to GC section 68090.8 and GC section 70372(a) for Criminal Fish and Game violations.

#### **FINDING 4— Incorrect distribution of revenues from health and safety violations – Court**

During our testing of court cases related to the Health and Safety Code, we found that the court did not properly distribute criminal laboratory analysis fees (Health and Safety Code [HSC] section 11372.5), drug program fees (HSC section 11372.7), uniform controlled substances fines (HSC section 11502), state court construction penalties (GC section 70372[a]), and emergency medical air transportation (EMAT) penalties (GC section 76000.10).

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions.

We found that the court did not consistently assess the criminal laboratory analysis fee (HSC section 11372.5), the drug program fee (HSC section 11372.7), and the uniform controlled substances fine (HSC section 11502). These fees and fines are subject to the state penalty (PC section 1464), the local penalty (GC section 76000), the state surcharge (PC section 1465.7), the DNA identification penalty (GC section 76104.6), the DNA additional penalty (GC section 76104.7), the state court construction penalty (GC section 70372), and distributions to the 2% state automation fee (GC section 68090.8). As a result, these penalties and fees were understated.

We also found that the court incorrectly assessed EMAT penalties (GC section 76000.10) for cases related to the Health and Safety Code that were not subject to the penalty. Consequently, the Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10) were overremitted. Additionally, the court overremitted the State Court Facilities Construction Fund (GC section 70372[a]). Furthermore, the court incorrectly prorated the total fine to each component when it used the percentage calculation.

We performed an analysis of the Health and Safety Code-related revenues to determine the fiscal effect of each error. Upon completion of our analysis, we found that these errors did not contribute to a material effect on the revenues remitted to the State.

These errors occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

The narrative to Table 4 of the SCO's *Distribution Guidelines* states:

Pursuant to *People v. Sierra*, 37 Cal. App. 4th 1690 (1995), and *People v. Sanchez*, 64 Cal. App. 4th 1329 (1998), as affirmed in *People v. Ruiz*, 4 Cal. 5th 1100 (2018), the "criminal laboratory analysis fee" (H&S [Health and Safety Code] 11372.5) and the "drug program fee" (H&S 11372.7) should be accounted for as fines. As such, they are subject to state penalties, local penalties, the 20% state surcharge, Proposition 69 penalty assessment, court facilities penalty assessment, and the 2% automation fee.

Table 4, H&S 11502 – General Distribution of Uniform Controlled Substances Moneys, Forfeited Bail, or Fines, of the SCO's *Distribution Guidelines*, requires that 75% of these fines be transferred to the State, and 25% to the city if the offense occurred in the city, or 25% to the county if the offense occurred in the county.

Table 6, GC 70372(a) – State Court Construction Penalty; Criminal Offenses, of the SCO's *Distribution Guidelines* requires that an additional penalty of \$5 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected. The penalty is assessed on all criminal offenses.

Table 6, GC 76000.10 – Emergency Medical Air Transportation Penalty, of the SCO’s *Distribution Guidelines* requires that an additional penalty of \$4 be imposed upon every conviction for a violation of the Vehicle Code, or a local ordinance adopted pursuant to the Vehicle Code.

#### Recommendation

We recommend that the court:

- Ensure that the Criminal Laboratory Analysis Fee (HSC section 11372.5) and Drug Program Fee (HSC section 11372.7) are assessed as base fine enhancements;
- Ensure that the EMAT Penalty is not assessed for Health and Safety Code violations;
- Review distributions for accuracy and completeness before remittance to the county’s Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC’s distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

#### Court’s Response

The Court will review and make necessary corrections to the programming of distributions related to Health and Safety violations.

#### **FINDING 5— Incorrect allocation of total traffic violator school fees to sub- accounts**

During our testing of TVS cases, we found that the court did not correctly allocate total TVS fees (VC section 42007) collected for city arrest cases into sub-accounts. The incorrect allocation resulted in an overstatement of \$17,801 in qualified revenues for the TVS Fee line item (VC section 42007) for the audit period, as discussed in Finding 1.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions.

The error occurred because the court incorrectly configured its case management system.

Table 7, VC 42007 – Uniform Fee for Attending Traffic Violator School, of the SCO’s *Distribution Guidelines* requires that a fee equal to the total bail for the eligible offense be collected from every person ordered to attend a TVS. Fees resulting from a city arrest are to be distributed to the Traffic Safety Fund and other city funds, pursuant to PC section 1463.001(b)(3).

Recommendation

We recommend that the court:

- Ensure that total TVS fees (VC section 42007) are correctly allocated into the sub-accounts;
- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

Court's Response

The Court will review and make necessary corrections to the programming of distributions related to TVS fees (VC section 42007) absent any limitations from the Court's Traffic Case Management System.

**FINDING 6—  
Incorrect distribution  
of revenues from DUI  
violations – County  
probation department  
(Repeat Finding)**

During our distribution testing of DUI cases, we found that the county's probation department did not properly distribute revenues to base fines (PC section 1463.001). We also found that the probation department did not consistently employ one of the two percentage calculation methods to prorate the total fine.

We verified, on a sample basis, distributions made by the probation department using its case management system. For each sampled case, we recomputed the distributions and compared them to the actual distributions.

We found that the probation department did not consistently employ a single method of percentage calculation to prorate each component of the total fine. In some instances, the probation department allocated all components proportionately. In other instances, the probation department allocated the full amount to the components with a specified dollar amount, then prorated the remaining balance among the remaining components of the total fine.

Additionally, we found that the probation department did not correctly distribute base fines (PC section 1463.001) from city arrests. The probation department did not apply the applicable county percentage to the base fines (PC section 1463.001) from city arrests, and overremitted the base fines (PC section 1463.001) to the County General Fund. The overremittances occurred in all violations that were subject to base fines (PC section 1463.001). The incorrect distribution of base fines (PC section 1463.001) cumulatively resulted in a misstatement of qualified revenues for the Base Fines line item (PC section 1463.001), and is discussed in detail in Finding 9.

These errors occurred because the probation department misinterpreted the distribution guidelines and incorrectly configured its case management system.

The narrative to Table 1 of the SCO's *Distribution Guidelines* states that all criminal fines and forfeitures (except those for parking violations) without a specific distribution in statute are distributed pursuant to PC section 1463.001.

Table 1, PC 1463.001 – General Distribution of Fines and Forfeitures under PC 1463.001, of the SCO's *Distribution Guidelines* requires that the base fines resulting from county arrests be transferred into the proper funds of the county. For base fines resulting from city arrests, an amount equal to the applicable county percentages set forth in PC section 1463.002, as modified by PC section 1463.28, shall be transferred into the proper funds of the county; and the balance shall be transferred to the appropriate city, district, authority, or other local agency.

As discussed in Finding 7 of our prior audit report dated May 10, 2013, the county probation department did not appropriately distribute revenues from DUI violations. This is a repeat finding because the county probation department did not correct the distribution errors noted in our prior audit report.

#### Recommendation

We recommend that the probation department:

- Ensure that the applicable county percentages set forth in PC section 1463.002 are applied to the base fines (PC section 1463.001) from city arrests before the base fines are transferred to the county ;
- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

#### Probation Department's Response

We have carefully reviewed the draft report and have taken steps to address the recommendations relevant to our operations and within our control.

### **FINDING 7— Incorrect distribution of revenues from health and safety violations – County probation department**

During our testing of cases related to the Health and Safety Code, we found that the county's probation department incorrectly distributed revenues for health and safety violations.

We verified, on a sample basis, distributions made by the probation department using its case management system. For each sample case, we

recomputed the distributions and compared them to the actual distributions.

We found that the probation department did not distribute the revenues to the additional emergency medical services penalty (GC section 76000.5). As a result, the probation department overremitted the uniform controlled substances fine (HSC section 11502), the state penalty (PC section 1464), local penalty (GC section 76000), state surcharge (PC section 1465.7), DNA identification penalty (GC section 76104.6), DNA additional penalty (GC section 76104.7), and state court construction penalty (GC section 70372).

We also found the probation department did not distribute the criminal laboratory analysis fee (HSC section 11372.5) and the drug program fee (HSC section 11372.7) for required violations. As a result, revenues to the State General Fund (HSC section 11372.5) and County Drug Program Fund (HSC section 11372.7) were underremitted.

Furthermore, we found that the probation department did not correctly allocate to the proper entity the uniform controlled substances fines (HSC section 11502) resulting from city arrests. The probation department remitted the 25% portion of uniform controlled substances fines (HSC section 11502) resulting from city arrests to the County General Fund (PC section 1463.001). Therefore, base fines (PC section 1463.001) were over-allocated to the county. The incorrect distribution cumulatively resulted in a misstatement of the qualified revenues for the Base Fines line item (PC section 1463.001) and is discussed in detail in Finding 9.

We performed an analysis of the Health and Safety Code-related revenues to determine the fiscal effect of each distribution error. We found that the errors did not have a material effect on the revenues remitted to the State. The errors occurred because the probation department misinterpreted distribution guidelines and incorrectly configured its case management system.

Table 4, H&S 11372.5 – Criminal Laboratory Analysis Fee, of the SCO’s *Distribution Guidelines*, requires that the specific violations be subject to a \$50 fee per conviction, to be distributed to the county’s criminalistics laboratory fund if the laboratory is operated or contracted by the county, or to the State General Fund if the county is served by a California Department of Justice criminalistics laboratory.

Table 4, H&S 11372.7 – Drug Program Fee, of the SCO’s *Distribution Guidelines* requires that the specific violations be subject to a fee of up to \$150 per conviction, to be distributed to the county’s drug program fund.

Table 4, H&S 11502 – General Distribution of Uniform Controlled Substances Moneys, Forfeited Bail, or Fines, of the SCO’s *Distribution Guidelines* requires that 75% of this fine be transferred to the State, and 25% to the city if the offense occurred in the city or 25% to the county if the offense occurred in the county.



Table 6, GC 76000.5 – Additional Penalty; Criminal Offenses County Optional, of the SCO’s *Distribution Guidelines* requires that, for those counties whose boards of supervisors elect to do so, an additional penalty of \$2 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected.

#### Recommendation

We recommend that the probation department:

- Ensure that the criminal laboratory analysis fee (HSC section 11372.5) and drug program fee (HSC section 11372.7) are distributed to the required violations;
- Ensure that 25% of uniform controlled substances fines (HSC section 11502) is transferred to the city, if the offense occurred in the city, or to the county, if the offense occurred in the county;
- Review distributions for accuracy and completeness before remittance to the county’s Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC’s distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

#### Probation Department’s Response

We have carefully reviewed the draft report and have taken steps to address the recommendations relevant to our operations and within our control.

### **FINDING 8— Incorrect distribution of revenues from juvenile cases – County probation department**

During our distribution testing of juvenile cases, we found that the probation department incorrectly distributed revenues for juvenile cases.

We verified, on a sample basis, distributions made by the probation department using its case management system. For each sampled case, we recomputed the distributions and compared them to the actual distributions.

We found that the probation department did not distribute revenues to the DNA Identification Fund (GC section 76104.6), DNA Identification Fund (GC section 76104.7), and Maddy Emergency Medical Services Fund (GC section 76000.5), resulting in overremittances to the County General Fund (PC section 1463.001) and State Penalty Fund (PC section 1464).

Furthermore, we found that the probation department did not transfer 2% of fines and penalties to the 2% state automation fee (GC section 68090.8). We also found that the probation department under-allocated revenues the State Court Facilities Construction Fund (SCFCF) (GC section 70372[a]) and the Immediate and Critical Needs Account (GC section 70372[a]).

We also found that the probation department did not apply the applicable county percentage to base fines (PC section 1463.001) collected for city arrests and overremitted base fines (PC section 1463.001) to the County General Fund. The overremittances occurred in all violations that were subject to base fines (PC section 1463.001). The incorrect distribution cumulatively resulted in a misstatement of the qualified revenues for the Base Fines line item (PC section 1463.001), and is discussed in detail in Finding 9.

These errors occurred because the probation department misinterpreted the distribution guidelines and incorrectly configured its case management system.

Table 6, GC 76104.6 – DNA Identification Penalty Assessment, of the SCO’s *Distribution Guidelines* requires that an additional penalty of \$1 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected. The penalty is assessed on all criminal offenses.

Table 6, GC 76104.7 – DNA Additional Penalty Assessment, of the SCO’s *Distribution Guidelines* requires that an additional penalty of \$4 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected. The penalty is assessed on all criminal offenses, including all offenses involving a violation of the Vehicle Code or local ordinances adopted pursuant to the Vehicle Code.

Table 6, GC 76000.5 – Additional Penalty; Criminal Offenses County Optional, of the SCO’s *Distribution Guidelines* requires that, for those counties whose boards of supervisors elect to do so, an additional penalty of \$2 for every \$10 (or fraction thereof) be imposed upon every fine, penalty, or forfeiture imposed and collected.

Table 7, GC 68090.8 – Cost of Automating Record Keeping for Criminal Cases, of the SCO’s *Distribution Guidelines* requires that, before any other required distribution is made, the 2% of all fines, penalties, and forfeitures collected in criminal cases be remitted to the State Trial Court Improvement and Modernization Fund to pay the costs of automating trial court record-keeping systems for criminal cases, including traffic cases.

The narrative to Table 1 of the SCO’s *Distribution Guidelines* states that all criminal fines and forfeitures (except those for parking violations) without a specific distribution in statute are distributed pursuant to PC section 1463.001.

Table 1, PC 1463.001 – General Distribution of Base Fines and Forfeitures Collected for Crimes (no specific distribution), of the SCO’s *Distribution Guidelines* requires that the base fines resulting from county arrests be transferred into the proper funds of the county. For base fines resulting from city arrests, an amount equal to the applicable county percentages set forth in PC section 1463.002, as modified by PC section 1463.28, shall be transferred into the proper funds of the county; and the balance shall be transferred to the appropriate city, district, authority, or other local agency.

Recommendation

We recommend that the probation department:

- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

Probation Department's Response

We have carefully reviewed the draft report and have taken steps to address the recommendations relevant to our operations and within our control.

**FINDING 9—  
Incorrect distribution  
of base fines resulting  
from city arrests –  
County probation  
department**

During our review of revenue collection reports and distribution testing, we found that the county's probation department overremitted base fines (PC section 1463.001) to the County General Fund by \$82,953 for the audit period.

We verified, on a sample basis, distributions made by the probation department using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions.

We found that the probation department did not apply the applicable county percentage to base fines (PC section 1463.001) from city arrests, resulting in an overremittance of \$82,953 to the County General Fund.

In addition, the county's Auditor-Controller-Treasurer-Tax Collector did not include base fine (PC section 1463.001) revenues collected by the probation department in the calculation of the 50% excess of qualified revenues. As a result, the county understated the qualified revenues for the Base Fines line item (PC section 1463.001) by \$40,629 (\$54,173 × 75%), as discussed in Finding 1.

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
County General Fund – PC § 1463.001	\$ (82,953)
City Accounts:	
Cloverdale	\$ 1,553
Cotati	2,851
Healdsburg	4,505
Petaluma	12,804
Rohnert Park	8,354
Santa Rosa	43,034
Sebastopol	2,941
Sonoma	2,081
Santa Rosa Junior College	323
Windsor	4,170
Sonoma State University	337
Total underremittances to the Cities	\$ 82,953

The error occurred because the probation department misinterpreted distribution guidelines and incorrectly configured its case management system.

The narrative to Table 1 states that all criminal fines and forfeitures (except those for parking violations) without a specific distribution in statute are distributed pursuant to PC section 1463.001.

Table 1, PC 1463.001 – General Distribution of Base Fines and Forfeitures Collected for Crimes (no specific distribution), of the SCO's *Distribution Guidelines* requires that the base fines resulting from county arrests be transferred into the proper funds of the county. For base fines resulting from city arrests, an amount equal to the applicable county percentages set forth in PC section 1463.002, as modified by PC section 1463.28, shall be transferred into the proper funds of the county; and the balance shall be transferred to the appropriate city, district, authority, or other local agency.

#### Recommendation

We recommend that the probation department:

- Ensure that for base fines resulting from city arrests, an amount equal to the applicable county percentages set forth in PC section 1463.002 is transferred to the proper funds of the county;
- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

Probation Department's Response

We have carefully reviewed the draft report and have taken steps to address the recommendations relevant to our operations and within our control.

# Observation and Recommendation

## **OBSERVATION— Incorrect distribution of the first 30% collected for red-light violations**

During our analysis of red-light and red-light TVS cases, we found that the court did not distribute the first 30% of the amount collected to the appropriate agency (PC section 1463.11).

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions.

We found that the court did not distribute to the city or county in which the offense occurred the first 30% of the amount collected for red light violations (PC section 1463.11). We did not determine the fiscal effect because the error would not affect any funds remitted to the State Treasurer.

This error occurred because the court misinterpreted distribution guidelines and incorrectly configured its case management system.

Table 2, PC 1463.11 – Red Light Violations, of the SCO's *Distribution Guidelines* requires that after deducting the 2% automation fee, 30% of the moneys collected for PC section 1463.001, PC section 1464, and GC sections 70372(a), 76000, and 76000.10, excluding the state surcharge and other penalty assessments, be transferred to the County General Fund, if the offense occurred in the county, or to the City General Fund, if the offense occurred in the city.

### Recommendation

We recommend that the court:

- Ensure that the first 30% of the amount collected for red-light violations is allocated to the appropriate city or county where the offense occurred;
- Review distributions for accuracy and completeness before remittance to the county's Auditor-Controller-Treasurer-Tax Collector;
- Periodically verify the accuracy of its distributions using the JCC's distribution worksheets; and
- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements.

### Court's Response

The Court will review red-light and red-light TVS cases and make any necessary corrections to the programming of distributions absent any limitations from the Court's Traffic Case Management System.

## Appendix— Summary of Prior Audit Findings

The following table shows the implementation status of Sonoma County's corrective actions related to the findings contained in the county's prior audit report dated May 10, 2013.

Prior Audit Finding Number	Prior Audit Finding Title	Implementation Status
1	Underremitted the 50% excess of qualified fines, fees, and penalties	Partially implemented – see current Finding 1
2	Inappropriate distribution of traffic violator school cases	Fully implemented
3	Inappropriate distribution of red-light violation cases	Fully implemented
4	Underremitted criminalistics laboratory fine	Fully implemented
5	Inappropriate distribution of domestic violence fees	Fully implemented
6	Inappropriate distribution of forfeited Health and Safety bail bonds	Fully implemented
7	Inappropriate distribution of driving-under-influence cases, Superior Court	Partially implemented – see current Finding 2
8	Inappropriate distributions of driving-under-influence cases, probation department	Partially implemented – see current Finding 6
9	Inappropriate distribution of controlled substance violation revenues	Fully implemented
10	Inappropriate distribution of fish and game revenues	N/A*

\*The probation department no longer handles the collection for fish and game revenues.

**Attachment A—  
County's Response to Draft Audit Report**

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**ERICK ROESER**  
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TREASURER-TAX COLLECTOR

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**JONATHAN KADLEC**  
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**AMANDA RUCH, CPA**  
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TREASURER-TAX COLLECTOR

**BROOKE KOOP, CPA**  
ASSISTANT AUDITOR-CONTROLLER  
TREASURER-TAX COLLECTOR

December 22, 2021

Ms. Lisa Kurokawa, Chief  
Compliance Audits Bureau  
California State Controller's Office  
P.O. Box 942850  
Sacramento, CA 94250

RE: Response to Draft Audit Report for Court Revenues  
July 1, 2015, through June 30, 2019

Thank you for providing the County of Sonoma with the opportunity to comment on the draft findings. The County has reviewed the draft audit report for court revenues for the period July 1, 2015, through June 30, 2019. Responses to the findings are as follows:

➤ **FINDING 1 - Underremitted the 50% excess of qualified fines, fees, and penalties (Repeat Finding)**

**State Recommendation:**

We recommend that the county's Auditor-Controller-Treasurer-Tax Collector:

- Remit \$616,099 to the State Treasurer and report on the TC-31 form an increase to the State Trial Court Improvement and Modernization Fund (GC section 77205);
- Ensure that the proper accounts are included in the calculation of each line item on the 50-50 Excess Split Revenue Computation Form;
- and Coordinate with the cities regarding the city base fines (VC section 42007[c]).

**County response:**

- *The County agrees with this finding and will submit \$616,099 and a report the submission on a TC-31 Form coded to the State Trial Court Improvement and Modernization Fund (GC section 77205);*
- *The County will make every effort to ensure proper accounts are included in the 50-50 calculation, but remains subject to the limitation that the reported amounts are sourced almost exclusively from detailed records provided by Sonoma County Superior Courts (Courts), an entity under State governance. The County has no authority for oversight, audit, or policy, and no means to affect the systems and recordkeeping of Courts. Complete and accurate revenue distribution cannot be accomplished without complete and accurate Court's system records.*
- *The County will coordinate with the cities and others to recover amounts due to the State that were over-allocations of base fines to these jurisdictions.*

Findings 2 – 9 as noted below are directed to either Courts or Probation who agreed to respond directly with the state on these findings.

➤ **FINDING 2 - Incorrect distribution of revenues from DUI violations – Court (Repeat Finding)**

➤ **FINDING 3 - Incorrect distribution of revenues from fish and game violations – Court**

- **FINDING 4 - Incorrect distribution of revenues from health and safety violations – Court**
- **FINDING 5 - Incorrect allocation of total traffic violator school fees to sub-accounts – Recommendations made to Court**

*Superior Court will respond to findings 2 - 5*

- **FINDING 6 - Incorrect distribution of revenues from DUI violations – County probation department (Repeat Finding)**

- **FINDING 7 - Incorrect distribution of revenues from health and safety violations – County probation department**

- **FINDING 8 - Incorrect distribution of revenues from juvenile cases – County probation department**

- **FINDING 9 - Incorrect distribution of base fines resulting from city arrests – County probation department**

*The County Probation Department will respond to findings 6 - 9*

Please let me know if there are any questions or concerns.

Sincerely,



Erick Roeser  
Auditor-Controller-Treasurer and Tax Collector  
County of Sonoma

**Attachment B—  
Superior Court’s Response to Draft Audit Report**

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# Superior Court of California County of Sonoma

Bradford J. DeMeo  
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior  
Court Executive Officer

December 23, 2021

State Controller's Office  
P.O. Box 942850  
Sacramento, CA 94250

RE: Sonoma County Audit for the period of July 1, 2015, through June 30, 2019

**Finding 1**

The Court will review and make necessary corrections to the programming of distributions related to TVS fees (VC section 42007) absent any limitations from the Court's Traffic Case Management System. The Court will work with their Traffic Case Management System vendor to provide additional reporting to the County for TVS citations to assist the County with reporting the 50% excess of qualified revenues.

The Court corrected the distribution for PC section 1463.17 upon notification of the audit finding.

**Finding 2**

The Court corrected the distribution for PC section 1463.17 upon notification of the audit finding.

**Finding 3**

The Court will review and make necessary corrections to the programming of distributions related to GC section 68090.8 and GC section 70372(a) for Criminal Fish and Game violations.

**Finding 4**

The Court will review and make necessary corrections to the programming of distributions related to Health and Safety violations.

**Finding 5**

The Court will review and make necessary corrections to the programming of distributions related to TVS fees (VC section 42007) absent any limitations from the Court's Traffic Case Management System.

**Observation**

The Court will review red-light and red-light TVS cases and make any necessary corrections to the programming of distributions absent any limitations from the Court's Traffic Case Management System.

Sincerely,

  
Arlene Junior  
Court Executive Officer

Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

Empire College Annex  
3035 Cleveland Avenue  
Santa Rosa, CA 95403

Civil and Family Law Courthouse  
3055 Cleveland Avenue  
Santa Rosa, CA 95403

Juvenile Justice Center  
7425 Rancho Los Guillicos Road  
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