

MARIN COUNTY

Audit Report

COURT REVENUES

July 1, 2019, through June 30, 2023



MALIA M. COHEN
CALIFORNIA STATE CONTROLLER

September 2025



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CALIFORNIA STATE CONTROLLER

September 18, 2025

Ms. Mina Martinovich, Director of Finance
Marin County
3501 Civic Center Drive
San Rafael, CA 94903

Mr. James M. Kim, Court Executive Officer
Superior Court of California, Marin County
3501 Civic Center Drive
San Rafael, CA 94903

Dear Ms. Martinovich and Mr. Kim:

The State Controller's Office (SCO) audited Marin County's (the county) court revenues for the period of July 1, 2019, through June 30, 2023.

Our audit found that the county underremitted a net of \$1,467,619 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 \$142,695;
- Overremitted the State's DNA Identification Fund (GC section 76104.6) by \$18,908;
- Underremitted the State's DNA Identification Fund (GC section 76104.7) by \$1,328,401;
- Underremitted the State's General Fund (Penal Code [PC] section 1465.7) by \$14,779;
- Underremitted the State Court Facilities Construction Fund (GC section 70373) by \$21,260;
- Underremitted the State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10) by \$332;
- Overremitted the State's Domestic Violence Restraining Order Reimbursement Fund (PC section 1203.097) by \$14,221;
- Overremitted the State's Domestic Violence Training and Education Fund (PC section 1203.097) by \$14,276;
- Overremitted the State Penalty Fund (PC section 1464) by \$41,308;

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Mr. James M. Kim
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- Underremitted the State's DNA Identification Fund (GC section 76104.6) by \$1,291;
- Underremitted the State's DNA Identification Fund (GC section 76104.7) by \$20,654;
- Underremitted the State Court Facilities Construction Fund (GC section 70372[a]) by \$25,818; and
- Underremitted the State's General Fund (Health and Safety Code section 11502) by \$1,102.

In addition, we found that the Superior Court of California, Marin County made incorrect distributions related to DUI, fish and game, proof of financial responsibility, speeding with traffic violator school, red-light, and red-light with traffic violator school cases. Furthermore, we found that the county's probation department made incorrect distributions related to health and safety cases.

The county should remit \$1,467,619 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, 2019, through June 30, 2023.

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 on the SCO website at 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 GC 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 Programs 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

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If you have questions regarding payments, TC-31s, or interest and penalties, please contact Jennifer Montecinos, Manager, Tax Administration Section, by telephone at 916-324-5961 or email at lgpsdtaxaccounting@sco.ca.gov.

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

Sincerely,

Original signed by

Kimberly A. Tarvin, CPA
Chief, Division of Audits

KAT/rs

Copy: The Honorable Mary Sackett, President
Marin County Board of Supervisors
Joe Meyer, Manager
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 Administration Section
State Controller's Office

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Audit Report

Summary

The State Controller's Office (SCO) audited the propriety of court revenues remitted to the State of California by Marin County (the county) on the Report to State Controller of Remittance to State Treasurer (TC-31) for the period of July 1, 2019, through June 30, 2023.

Our audit found that the county underremitted a net of \$1,467,619 in state court revenues to the State Treasurer.

In addition, we found that the Superior Court of California, Marin County (the court) made incorrect distributions related to DUI, fish and game, proof of financial responsibility, speeding with traffic violator school (TVS), red-light, and red-light with TVS cases. Furthermore, we found that the county's probation department made incorrect distributions related to health and safety 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 Government Code (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 in accordance with GC section 68103, which authorizes 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 the court revenues remitted to the State Treasurer pursuant to the TC-31 process during the period of July 1, 2019, through June 30, 2023. To achieve our objective, we performed the following procedures.

General

- We gained an understanding of the county and the court's revenue collection and reporting processes, and of the criteria that were significant to our audit objective.
- We interviewed county personnel regarding the monthly TC-31 remittance process, the revenue distribution process, and the MOE calculation.
- We interviewed county and court personnel regarding the revenue distribution process and the case management systems (CMS).
- 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.
- We assessed the reliability of data from the CMSs based on interviews and our review of documents supporting the transaction flow. We determined that the data was sufficiently reliable for purposes of this report.

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 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 the court, and identified violation types that are prone to errors, due to either their complexity or statutory changes during the audit period.

Based on the risk evaluation, we haphazardly selected a non-statistical sample of 64 cases for 11 violation types. 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. We tested the sample as follows:

- We recomputed the sample case distributions and compared them to the actual distributions.
- We 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 did not review any court revenue remittances that the county or the court may be required to make under GC sections 70353 and 77201.1(b), included in the TC-31.

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.

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 the county underremitted a net of \$1,467,619 in state court revenues to the State Treasurer because it:

- Underremitted the State Trial Court Improvement and Modernization Fund (GC section 77205) by \$142,695;
- Overremitted the State's DNA Identification Fund (GC section 76104.6) by \$18,908;
- Underremitted the State's DNA Identification Fund (GC section 76104.7) by \$1,328,401;
- Underremitted the State's General Fund (Penal Code [PC] section 1465.7) by \$14,779;
- Underremitted the State Court Facilities Construction Fund (GC section 70373) by \$21,260;
- Underremitted the State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10) by \$332;
- Overremitted the State's Domestic Violence Restraining Order Reimbursement Fund (PC section 1203.097) by \$14,221;
- Overremitted the State's Domestic Violence Training and Education Fund (PC section 1203.097) by \$14,276;
- Overremitted the State Penalty Fund (PC section 1464) by \$41,308;

- Underremitted the State's DNA Identification Fund (GC section 76104.6) by \$1,291;
- Underremitted the State's DNA Identification Fund (GC section 76104.7) by \$20,654;
- Underremitted the State Court Facilities Construction Fund (GC section 70372[a]) by \$25,818; and
- Underremitted the State's General Fund (Health and Safety Code [HSC] section 11502) by \$1,102.

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

In addition, we found that the court made incorrect distributions related to DUI, fish and game, proof of financial responsibility, speeding with TVS, red-light, and red-light with TVS cases. Furthermore, we found that the county's probation department made incorrect distributions related to health and safety cases.

The county should remit \$1,467,619 to the State Treasurer.

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, 2010, through June 30, 2016, issued on December 9, 2019, with the exception of Findings 5, 10, 11, and 12 of this audit report. The implementation status of corrective actions is described in the Appendix.

Views of Responsible Officials

We issued a draft audit report on June 30, 2025. The county's representative responded by letter dated July 10, 2025, agreeing with the audit results. The court's representative responded by letter dated July 10, 2025, agreeing with the audit results. This final audit report includes the county and the court's responses as Attachments A and B.

Restricted Use

This audit report is solely for the information and use the county, the court, 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.

Original signed by

Kimberly A. Tarvin, CPA
Chief, Division of Audits

September 18, 2025

Schedule— Summary of Audit Findings Affecting Remittances to the State Treasurer July 1, 2019, through June 30, 2023

The following table provides a summary of the audit findings affecting remittances to the State Treasurer.

Finding ¹	Fiscal Year				Total	Reference ²
	2019-20	2020-21	2021-22	2022-23		
Underremitted 50% excess of qualified revenues						
State Trial Court Improvement and Modernization Fund – GC §77205	\$ 105,581	\$ -	\$ 37,114	\$ -	\$ 142,695	Finding 1
Incorrect distribution of revenues from DNA identification penalties						
State DNA Identification Fund – GC §76104.6	(9,847)	(1,872)	(4,406)	(2,783)	(18,908)	
State DNA Identification Fund – GC §76104.7	407,310	316,299	329,914	274,878	1,328,401	
Total	397,463	314,427	325,508	272,095	1,309,493	Finding 2
Incorrect remittances to the State						
State General Fund – PC §1465.7	3,224	3,095	3,348	5,112	14,779	
State Court Facilities Construction Fund – GC §70373	5,237	4,490	6,199	5,334	21,260	
State Emergency Medical Air Transportation and Children's Coverage Fund – GC §76000.10	56	56	104	116	332	
Total	8,517	7,641	9,651	10,562	36,371	Finding 3
Incorrect distribution of revenues from domestic violence fees						
State Domestic Violence Restraining Order Reimbursement Fund – PC §1203.097	(5,120)	(3,654)	(2,508)	(2,939)	(14,221)	
State Domestic Violence Training and Education Fund – PC §1203.097	(5,175)	(3,654)	(2,508)	(2,939)	(14,276)	
Total	(10,295)	(7,308)	(5,016)	(5,878)	(28,497)	Finding 4

Schedule (continued)

Finding ¹	Fiscal Year				Total	Reference ²
	2019-20	2020-21	2021-22	2022-23		
Incorrect distribution of revenues from DUI violations (repeat finding)						
State Penalty Fund – PC §1464	(8,820)	(8,843)	(10,003)	(13,642)	(41,308)	
State DNA Identification Fund – GC §76104.6	276	276	313	426	1,291	
State DNA Identification Fund – GC §76104.7	4,410	4,422	5,001	6,821	20,654	
State Court Facilities Construction Fund – GC §70372(a)	5,512	5,527	6,252	8,527	25,818	
Total	<u>1,378</u>	<u>1,382</u>	<u>1,563</u>	<u>2,132</u>	<u>6,455</u>	Finding 5
Incorrect distribution of revenues from bail bond forfeiture cases						
State General Fund – HSC §11502	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,102</u>	<u>1,102</u>	Finding 6
Net amount underremitted to the State Treasurer	<u>\$ 502,644</u>	<u>\$ 316,142</u>	<u>\$ 368,820</u>	<u>\$ 280,013</u>	<u>\$ 1,467,619</u>	

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

² See the Findings and Recommendations section.

Findings and Recommendations

FINDING 1— Underremitted the 50% excess of qualified revenues

During our recalculation of the 50% excess of qualified revenues, we found that the county had used incorrect qualified revenue amounts in its calculation for each fiscal year. These errors resulted in the county underremitting the 50% excess of qualified revenues by \$142,695 during the audit period. The 50% excess of qualified revenues was incorrectly calculated because the county misinterpreted the required calculations.

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

We recalculated the county's qualified revenues based on actual court revenues collected for each fiscal year. After our recalculation, we found that the county had understated qualified revenues by a net of \$887,147 for the audit period.

The county understated qualified revenues because it:

- Incorrectly excluded revenues collected for:
 - City base fines (Vehicle Code [VC] section 42007[c]) from its calculation of the TVS fee (VC section 42007) line item, resulting in an understatement of \$499,880; and
 - The county's Emergency Medical Services Fund (GC section 76104) and Maddy Emergency Medical Services Fund (GC section 76000.5) on TVS cases from its calculation of the TVS fee (VC section 42007) line item, resulting in an understatement of \$426,637.
- Incorrectly reported the amounts collected for:
 - County general fund (PC section 1464) in its calculation of the county general fund (PC section 1464) line item, resulting in a net understatement of \$43,620;
 - County base fines (PC section 1463.001) in its calculation of the county base fines (PC section 1463.001) line item, resulting in an overstatement of \$6,301;
 - County general fund (GC section 76000[c]) in its calculation of the county general fund (GC section 76000[c]) line item, resulting in an overstatement of \$60,450; and
 - The Administrative Screening Fee (PC section 1463.07) in its calculation of the Administrative Screening Fee (PC section 1463.07) line item, resulting in an overstatement of \$1,575.

In addition, as noted in Finding 6, the court incorrectly distributed revenues to the county's general fund (PC section 1464) on bail bond forfeiture cases. The error resulted in an overstatement of \$57,950 in qualified revenues for the county general fund (PC section 1464) line item

and an understatement of \$43,286 in qualified revenues for the county base fines (PC section 1463.001) line item.

The following table shows the audit adjustments to qualified revenues:

	Fiscal Year				Totals
	2019-20	2020-21	2021-22	2022-23	
Qualified revenues reported	\$ 2,044,512	\$ 1,630,292	\$ 1,907,539	\$ 1,528,294	\$ 7,110,637
Audit adjustments:					
VC §42007(c) understatement	155,349	81,151	150,855	112,525	499,880
GC § 76104, § 76000.5 understatement	126,102	70,256	123,800	106,479	426,637
PC § 1464 understatement	(1,814)	(14,316)	24,344	35,406	43,620
PC § 1463.001 overstatement	-	(79)	(3,939)	(2,283)	(6,301)
GC § 76000(c) overstatement	(12)	(8,478)	(8,956)	(43,004)	(60,450)
PC § 1463.07 overstatement	-	(1,575)	-	-	(1,575)
PC § 1464 overstatement (Finding 6)	(5,051)	(3,584)	(30,811)	(18,504)	(57,950)
PC § 1463.001 understatement (Finding 6)	3,788	2,688	23,108	13,702	43,286
Total	278,362	126,063	278,401	204,321	887,147
Adjusted qualified revenues	\$ 2,322,874	\$ 1,756,355	\$ 2,185,940	\$ 1,732,615	\$ 7,997,784

As a result of miscalculating the qualified revenues, the county underremitted the 50% excess of qualified revenues by \$142,695 for the audit period.

The following table shows the excess qualified revenues, and—by comparing the 50% excess amount due to the State to the county's actual remittances—the county's underremittance to the State Treasurer.

Fiscal Year	Qualifying Revenues	Base Amount	Excess Amount Above the Base	50% Excess Amount Due the State	County Remittance to the State Treasurer	County Underremittance to the State Treasurer ¹
2019-20	\$ 2,322,874	\$ 2,111,712	\$ 211,162	\$ 105,581	\$ -	\$ 105,581
2020-21	1,756,355	2,111,712	(355,357)	-	-	-
2021-22	2,185,940	2,111,712	74,228	37,114	-	37,114
2022-23	1,732,615	2,111,712	(379,097)	-	-	-
Total						\$ 142,695

¹Should be identified on the TC-31 as State Trial Court Improvement and Modernization Fund – GC section 77205

GC section 77205(a) 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.

Recommendation

We recommend that the county:

- Remit \$142,695 to the State Treasurer and report on the TC-31 form an increase to the State Trial Court Improvement and Modernization Fund; and

- Ensure that the proper accounts are included in the calculations of each line item on the 50-50 Excess Split Revenue Computation Form.

We also recommend that the court establish separate accounts for the county's Emergency Medical Services Fund (GC section 76104) and Maddy Emergency Medical Services Fund (GC section 76000.5) revenues collected on TVS cases.

County's Response

The underremittance stemmed in part from the complexity of the 50% excess calculation and misclassification of certain qualified revenues. In response, the Department of Finance revised its calculation methodology, updated reconciliation tools, strengthened internal procedures, and retrained staff.

The County will remit \$142,695 to the State Trial Court Improvement and Modernization Fund via a separate TC-31 referencing the audit period.

We also acknowledge the SCO's recommendation that the Marin County Superior Court establish separate accounts for Emergency Medical Services Fund (GC §76104) and Maddy Fund (GC §76000.5) revenues collected on [TVS] cases. We defer to the Court on this operational matter and stand ready to assist as needed.

FINDING 2— Incorrect distribution of revenues from DNA identification penalties

During our reconciliation of TC-31 revenues, we found that the county had not properly distributed DNA identification penalty (GC sections 76104.6 and 76104.7) revenues to the State. The error occurred because the county misinterpreted the *Distribution Guidelines*.

We compared the actual revenues collected by the court and the county's probation department to the revenues reported by the county on the TC-31s. During our reconciliation, we found that the county had not properly distributed the State's DNA Identification Fund (GC sections 76104.6 and 76104.7) revenues to the State.

The incorrect distributions had the following effect:

<u>Account Title</u>	<u>Underremitted/ (Overremitted)</u>
State DNA Identification Fund – GC §76104.6	\$ (18,908)
State DNA Identification Fund – GC §76104.7	1,328,401
Total	<u>\$ 1,309,493</u>
County DNA Identification Fund – GC §76104.6	<u>\$ (1,309,493)</u>

GC section 76104.6(a)(1) requires that an additional penalty of \$1 for every \$10, or part of \$10, be imposed upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including Vehicle Code violations.

GC section 76104.6(b)(1) states that the county treasurer must transfer 25% of the DNA penalty assessment collections to the State Treasurer.

GC section 76104.7(a) requires that an additional penalty of \$4 for every \$10, or fraction thereof, be imposed upon every fine, penalty, or forfeiture imposed and collected on criminal offenses, including traffic offenses but excluding parking offenses.

Recommendation

We recommend that the county remit \$1,309,493 to the State Treasurer and report on the TC-31:

- A decrease of \$18,908 to the State's DNA Identification Fund (GC section 76104.6); and
- An increase of \$1,328,401 to the State's DNA Identification Fund (GC section 76104.7).

County's Response

While assessments were properly calculated, \$1,328,401 was underremitted to GC §76104.7 and \$18,908 was overremitted to GC §76104.6 due to administrative oversight. The County has clarified internal review procedures, improved documentation, and implemented quarterly reconciliations. A net remittance of \$1,309,493 will be made to the State Treasurer.

FINDING 3— Incorrect remittances to the State

During our reconciliation of TC-31 revenues, we found that the county had not properly remitted revenues to the State. The error occurred because the county overlooked the revenues that are required to be remitted to the State.

We compared the actual revenues collected by the county's probation department to the revenues reported by the county on the TC-31s. During our reconciliation, we found that the county had not remitted State's General Fund (PC section 1465.7), State Court Facilities Construction Fund (GC section 70373), and the State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10) revenues collected by the county's probation department to the State.

The incorrect distributions had the following effect:

<u>Account Title</u>	<u>Underremitted/ (Overremitted)</u>
State General Fund – PC §1465.7	\$ 14,779
State Court Facilities Construction Fund – GC §70373	21,260
State Emergency Medical Air Transportation and Children's Coverage Fund – GC §76000.10	332
Total	<u>\$ 36,371</u>
County General Fund	<u>\$ (36,371)</u>

PC section 1465.7(a) requires that a state surcharge of 20% be levied on all base fines.

GC section 70373(a)(1) requires that, to provide adequate funding for court facilities, an assessment be imposed on every conviction for a criminal offense, including traffic offenses but excluding parking offenses, related to violations of the Vehicle Code. GC section 70373(a)(1) specifies a \$30 assessment for each misdemeanor or felony and a \$35 assessment for each infraction.

GC section 76000.10(c) requires a penalty of \$4 to be imposed on every conviction for a violation of the Vehicle Code except for parking offenses.

Recommendation

We recommend that the county remit \$36,371 to the State Treasurer and report on the TC-31:

- An increase of \$14,779 to the State's General Fund (PC section 1465.7);
- An increase of \$21,260 to the State Court Facilities Construction Fund (GC section 70373); and
- An increase of \$332 to the State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10).

County's Response

These variances resulted from cross-departmental reporting gaps, particularly for revenues collected by the Probation Department. A revenue remittance checklist and a monthly review protocol are now in place. The County will remit \$36,371 to the State Treasurer.

FINDING 4— Incorrect distribution of revenues from domestic violence fees

During our reconciliation of TC-31 revenues, we found that the county had not properly distributed the domestic violence fee to the State. The error occurred because the county misinterpreted the *Distribution Guidelines*.

We compared the actual revenues collected by the court and the county's probation department to the revenues reported by the county on the TC-31s. During our reconciliation, we found that the county incorrectly distributed two-thirds of the domestic violence fee to the State's Domestic Violence Restraining Order Reimbursement Fund (PC section 1203.097) and the State's Domestic Violence Training and Education Fund (PC section 1203.097) instead of distributing the required one-third to the State.

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State Domestic Violence Restraining Order Reimbursement Fund – PC § 1203.097	\$ (14,221)
State Domestic Violence Training and Education Fund – PC § 1203.097	(14,276)
Total	<u>\$ (28,497)</u>
County Domestic Violence Programs Special Fund – PC § 1203.097	<u>\$ 28,497</u>

PC section 1203.097(a)(5) requires that two-thirds of the domestic violence fee collected be posted to the county's domestic violence programs special fund and the remaining one-third be split evenly between the State's Domestic Violence Restraining Order Reimbursement Fund and the State's Domestic Violence Training and Education Fund.

Recommendation

We recommend that the county offset subsequent remittances to the State Treasurer by \$28,497 and report on the TC-31:

- A decrease of \$14,221 to the State's Domestic Violence Restraining Order Reimbursement Fund (PC section 1203.097); and
- A decrease of \$14,276 to the State's Domestic Violence Training and Education Fund (PC section 1203.097).

County's Response

During the audit period, the County mistakenly [remitted] two-thirds of the domestic violence fee to the State instead of the required one-third. This has since been corrected through revised procedures. The \$28,497 overremittance will be applied to offset underremittances identified in other findings.

FINDING 5— Incorrect distribution of revenues from DUI violations (repeat finding)

During our testing of DUI violations, we found that the county's probation department had not properly distributed the related revenues. The error occurred because the probation department misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In all four cases tested, we found that the revenues collected for the county base fines (PC section 1463.001) were overstated. In addition, we found that the probation department did not distribute the proper amounts to the following funds:

- State Penalty Fund (PC section 1464);

- The State's DNA Identification Fund (GC sections 76104.6 and 76104.7); and
- State Court Facilities Construction Fund (GC section 70372[a]).

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State Penalty Fund – PC §1464	\$ (41,308)
State DNA Identification Fund – GC §76104.6	1,291
State DNA Identification Fund – GC §76104.7	20,654
State Court Facilities Construction Fund – GC §70372(a)	25,818
Total	<u>\$ 6,455</u>
County General Fund	<u>\$ (6,455)</u>

As discussed in Finding 7 of our prior audit report dated December 9, 2019, the county's probation department did not properly distribute the related revenues on DUI violations. This is a repeat finding as the county's probation department did not correct the distribution errors noted in our prior audit report.

PC section 1463.001 requires the state penalties and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

Recommendation

We recommend that the county remit \$6,455 to the State Treasurer and report on the TC-31:

- A decrease of \$41,308 to the State Penalty Fund (PC section 1464);
- An increase of \$1,291 to the State's DNA Identification Fund (GC section 76104.6);
- An increase of \$20,654 to the State's DNA Identification Fund (GC section 76104.7); and
- An increase of \$25,818 to the State Court Facilities Construction Fund (GC section 70372[a]).

We also recommend that the county's probation department:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

County's Response

This finding concerns errors in distributions processed through the Probation Department's case management system, including

underremittances to the State Penalty Fund, DNA Identification Funds, and the State Court Facilities Construction Fund. The Probation Department agrees with the finding and is reviewing system configuration and coordinating with the Court to implement corrective actions.

**FINDING 6—
Incorrect distribution
of revenues from bail
bond forfeiture cases**

During our testing of bail bond forfeiture cases, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In all 24 cases tested, we found the following errors:

- For 23 cases, the court incorrectly distributed revenues to the county's general fund (PC section 1464). On county cases, the court should have distributed 2% of the revenues collected to the State Trial Court Improvement and Modernization Fund (GC section 68090.8) and distributed the remainder to county base fines (PC section 1463.001). On city cases, the court should have distributed 2% of the revenues collected to the State Trial Court Improvement and Modernization Fund (GC section 68090.8) and distributed the remainder to county base fines (PC section 1463.001) and city base fines (PC section 1463.002) in accordance with the percentages listed in PC section 1463.002.
- For one case involving a Health and Safety Code violation, the court incorrectly distributed revenues to the county's general fund (PC section 1464). The court should have distributed 2% of the revenues collected to the State Trial Court Improvement and Modernization Fund (GC section 68090.8) and distributed 75% of the remainder to the State's General Fund (HSC section 11502) and 25% of the remainder to the city's general fund (HSC section 11502).

The distribution errors caused an understatement of \$57,715 to the county base fines (PC section 1463.001), resulting in an understatement of \$43,286 ($\$57,715 \times 75\%$) in qualified revenues for the MOE calculation. The distribution errors also caused an overstatement of \$57,950 to the county's general fund (PC section 1464), resulting in an overstatement of \$57,950 in qualified revenues for the MOE calculation.

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State General Fund – HSC §11502	\$ 1,102
County Base Fines – PC §1463.001	\$ 57,715
County General Fund – PC §1464	(57,950)
Total	\$ (235)
City Base Fines (City of Novato) – PC §1463.002	\$ (1,235)
City General Fund (City of Novato) – HSC §11502	368
Total	\$ (867)

PC section 1463.001(b)(3) requires those base fines resulting from city arrests that are not included in a specific distribution to be transferred to the county in accordance with the percentages set forth in PC section 1463.002.

HSC section 11502(a) requires all moneys, forfeited bail, or fines received by the court under Division 10 of the Health and Safety Code to be distributed in the following manner: 75% to the State Treasurer and 25% to the county or city in which the prosecution is conducted.

Recommendation

We recommend that the county remit \$1,102 to the State Treasurer and report on the TC-31 an increase of \$1,102 to the State's General Fund (HSC section 11502).

We also recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

FINDING 7— Incorrect distribution of revenues from DUI violations

During our testing of DUI violations, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In three of four cases tested, we found the following errors:

- For a FY 2019-20 county case and a FY 2022-23 county case, we found that the court had collected excessive amounts for county base fines (PC section 1463.001).

- For a FY 2022-23 city case, we found that the court had collected excessive amounts for county base fines (PC section 1463.001) and city base fines (PC section 1463.002).

We did not measure this error because it is not a distribution error that results in overremitted funds to the State Treasurer. Rather, the court overcharged the defendants on each case, meaning that the excess revenues collected are actually owed to the defendants. However, we believe that it would be impractical and difficult for the court to return the overcharged amounts to each defendant.

PC section 1463.001 requires the state and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

FINDING 8— Incorrect distribution of revenues from fish and game violations

During our testing of fish and game violations, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In one of four fish and game cases tested, we found that the revenues collected for the county's general fund (PC section 1464), the Courthouse Construction Fund (GC section 76100), and the Criminal Justice Facilities Construction Fund (GC section 76101) were overstated; and that the revenues collected for the following funds were understated:

- The State's Fish and Game Preservation Fund (Fish and Game Code section 13003);
- The county's fish and wildlife propagation fund (Fish and Game Code section 13003);
- State Penalty Fund (PC section 1464);
- The State's DNA Identification Fund (GC sections 76104.6 and 76104.7);
- Emergency Medical Services Fund (GC section 76104);
- The county's Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund (GC section 76102);

- The county's Maddy Emergency Medical Services Fund (GC section 76000.5);
- State Court Facilities Construction Fund (GC section 70372[a]);
- The State's General Fund (PC section 1465.7); and
- State Trial Court Improvement and Modernization Fund (GC section 68090.8).

We performed an analysis of the State Fish and Game Preservation Fund (Fish and Game Code section 13003) revenues collected by the court to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material impact on the revenues remitted to the State.

PC section 1463.001 requires the state and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

FINDING 9— Incorrect distribution of revenues from proof of financial responsibility violations

During our testing of proof of financial responsibility violations, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In all four cases tested, we found the following errors:

- For two FY 2019-20 cases and one FY 2021-22 case, we found that county base fines (PC section 1463.001) were understated and the revenues collected for the following funds were overstated:
 - The county's special uninsured motorists accounts (PC section 1463.22[a]);
 - The State Transportation Fund (PC section 1463.22[b]); and
 - The State's General Fund (PC section 1463.22[c]).
- For a FY 2022-23 case, we found that the court had not distributed \$17.50 to the county's special uninsured motorists accounts (PC section 1463.22[a]), \$3.00 to the State Transportation Fund (PC section 1463.22[b]), and \$10.00 to the State's General Fund (PC

section 1463.22[c]) from the county base fines (PC section 1463.001) and City of San Rafael base fines (PC section 1463.002).

We performed an analysis of the State's General Fund (PC section 1463.22[c]) revenues collected by the court to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material impact on the revenues remitted to the State.

PC section 1463.001 requires the state and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

PC section 1463.22(a) requires the county to deposit \$17.50 for each conviction of a violation of VC section 16028 into a special account and allocate it to defray court costs incurred while administering cases related to proof of financial responsibility.

PC section 1463.22(b) requires that \$3.00 for each conviction of a violation of VC section 16028 be remitted to the SCO for deposit in the Motor Vehicle Account in the State Transportation Fund.

PC section 1463.22(c) requires that \$10.00 for each conviction of a violation of VC section 16028 be remitted to the SCO for deposit in the State's General Fund.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

**FINDING 10—
Incorrect distribution
of revenues from
speeding violations
with traffic violator
school (repeat
finding)**

During our testing of speeding violations with TVS, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In four of four cases tested, we found that the court had not converted the county base fines (PC section 1463.001) to the TVS fee (VC section 42007).

As discussed in Finding 13, we were unable to determine the fiscal effect of the distribution errors as the CMS used during the audit period had been decommissioned.

As discussed in Finding 4 of our prior audit report dated December 9, 2019, the court did not convert the county base fines to the TVS fee. This is a repeat finding as the court did not correct the distribution errors noted in our prior audit report.

VC section 42007(a)(1) requires the court to collect a fee, in an amount equal to the total bail set forth on the uniform countywide bail schedule, from every person ordered or permitted to attend TVS. As defined in this section, total bail includes all assessments, surcharges, and penalty amounts.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements;
- Periodically verify the accuracy of its distributions using the JCC's testing sheets; and
- Ensure that receipts for fines, fees, and penalties collected and other collection receipts are retained in accordance with the requirements of the JCC's *Trial Court Financial Policies and Procedures Manual* (FIN Manual).

FINDING 11— Incorrect distribution of revenues from red- light violations (repeat finding)

During our testing of red-light violations, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In all four cases tested, we found the following errors:

- For a FY 2019-20 city case, we found that the court did not distribute 30% of the revenues collected for the following funds to the city red-light allocation fund (PC section 1463.11):
 - County base fines (PC section 1463.001);
 - City of Sausalito base fines (PC section 1463.002);
 - State Penalty Fund (PC section 1464);
 - Courthouse Construction Fund (GC section 76100);
 - Criminal Justice Facilities Construction Fund (GC section 76101);
 - The county's Emergency Medical Services Fund (GC section 76104);
 - The county's Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund (GC section 76102);

- The State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10[c]); and
- The State Court Facilities Construction Fund (GC section 70372[a]).
- For a FY 2021-22 county case, we found that county base fines (PC section 1463.001) were overstated and the revenues collected for the county red-light allocation fund (PC section 1463.11) and the State Trial Court Improvement and Modernization Fund (GC section 68090.8) were understated.
- For two FY 2022-23 city cases, we found that the city base fines (PC section 1463.002) were overstated and the revenues collected for the city red-light allocation fund (PC section 1463.11) and the State Trial Court Improvement and Modernization Fund (GC section 68090.8) were understated.

As discussed in Finding 13, we were unable to determine the fiscal effect of the distribution errors as the CMS used during the audit period had been decommissioned.

As discussed in Finding 6 of our prior audit report dated December 9, 2019, the court did not distribute 30% of the county base fines to the red-light allocation fund. This is a repeat finding as the court did not correct the distribution errors noted in our prior audit report.

PC section 1463.11(a) requires that the first 30% of red-light violation base fines, state and county penalties (PC sections 1463 and 1464, and GC sections 76000 and 76000.10, respectively) collected be distributed to the general fund of the county or city where the violation occurred.

PC section 1463.001 requires the state and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements;
- Periodically verify the accuracy of its distributions using the JCC's testing sheets; and
- Ensure that receipts for fines, fees, and penalties collected and other collection receipts are retained in accordance with the requirements of the JCC's FIN Manual.

FINDING 12— Incorrect distribution of revenues from red- light violations with traffic violator school (repeat finding)

During our testing of red-light violations with TVS, we found that the court had not properly distributed the related revenues. The error occurred because the court misinterpreted the *Distribution Guidelines* and incorrectly configured its CMS.

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

In all four cases tested, we found the following errors:

- For two FY 2019-20 city cases, we found that the court had not converted the county base fines (PC section 1463.001) and revenues collected for the State's Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10[c]) to the TVS fee (VC section 42007). We also found that the court had incorrectly distributed 30% of the revenues collected for the following funds to the city's red-light allocation fund (VC section 42007.3):
 - The county's Emergency Medical Services Fund (GC section 76104);
 - The county's Maddy Emergency Medical Services Fund (GC section 76000.5); and
 - State Court Facilities Construction Fund (GC section 70372[a]).

In addition, we found that the revenues collected for the city red-light allocation fund (VC section 42007.3) were understated and the revenues collected for the TVS fee (VC section 42007) and city base fines (VC section 42007[c]) were overstated. The errors are as follows:

- For one FY 2022-23 county case, we found that the court had incorrectly distributed 30% of the revenues collected for the Emergency Medical Services Fund (GC section 76104) to the county red-light allocation fund (VC section 42007.3). We also found that the revenues collected for the TVS fee (VC section 42007) were understated and the revenues collected for the county red-light allocation fund (VC section 42007.3) were overstated.
- For one FY 2022-23 city case, we found that the court had incorrectly distributed 30% of the revenues collected for the Emergency Medical Services Fund (GC section 76104) to the city's red-light allocation fund (VC section 42007.3). We also found that the court had not converted the county base fines (PC section 1463.001) to the TVS fee (VC section 42007). In addition, the court had not distributed \$1 to the Courthouse Construction Fund (GC section 76100) and \$1 to the Criminal Justice Facilities Construction Fund (GC section 76101) from the TVS fee (VC section 42007). Furthermore, we found that the revenues collected for the TVS fee (VC section 42007) were overstated and the revenues collected for the city's red-light allocation fund (VC section 42007.3) were understated.

As discussed in Finding 13, we were unable to determine the fiscal effect of the distribution errors as the CMS used during the audit period had been decommissioned.

As discussed in Finding 5 of our prior audit report dated December 9, 2019, the court did not properly distribute the related revenues on red-light

violations with TVS. This is a repeat finding, as the court did not correct the distribution errors noted in our prior audit report.

VC section 42007(a)(1) requires the court to collect a fee, in an amount equal to the total bail set forth on the uniform countywide bail schedule, from every person ordered or permitted to attend TVS. As defined in this section, total bail includes all assessments, surcharges, and penalty amounts.

VC section 42007(b)(2) requires counties with an established Maddy Emergency Medical Services Fund to collect \$2 for every \$7 pursuant to GC section 76000, and to collect \$2 for every \$10 pursuant to GC section 76000.5 for deposit in the fund.

VC section 42007(b)(3) requires the amount of the TVS fee attributed to GC section 70372 to be transferred to the State Court Facilities Construction Fund.

PC section 1463.001 requires the state and county penalties imposed under PC section 1214.1 to be transferred to the proper funds as required by law.

Recommendation

We recommend that the court:

- Correct its CMS to ensure that revenues are distributed in accordance with statutory requirements;
- Periodically verify the accuracy of its distributions using the JCC's testing sheets; and
- Ensure that receipts for fines, fees, and penalties collected and other collection receipts are retained in accordance with the requirements of the JCC's FIN Manual.

FINDING 13— Noncompliance with required minimum retention period for collection receipts

The court was unable to provide receipts for fines, fees, and penalties that it collected and other collection receipts related to red-light violations and speeding and red-light violations with TVS because the CMS used during the audit period, JURIS, had been decommissioned. The error occurred because JURIS was no longer supported by the county's information technology department.

We were unable to determine the fiscal effect of the distribution errors on red-light violations or speeding and red-light violations with TVS as JURIS had been decommissioned.

Item 5 of Policy Number FIN 12.01, section 6.1, "General Guidelines," of the JCC's FIN Manual (11th edition, June 2020) states, in part:

Records that are required for any audit currently in progress, or an upcoming audit with formal notice to the court prior to the retention period expiration, shall not be destroyed until such audit has concluded. . . .

The retention standards table following item 5 indicates that the required minimum retention period for “receipts for fines, fees, penalties collected, and other collection receipts” is “the current year plus four additional years (or from the close date of the State Controller’s Office audit, whichever is longer).”

Recommendation

We recommend that the court ensure that receipts for fines, fees, and penalties collected and other collection receipts are retained in accordance with the requirements of the JCC’s FIN Manual.

FINDING 14— Failure to assess the criminal laboratory analysis fee

During our testing of health and safety cases, we found that the county’s probation department had not assessed the criminal laboratory analysis fee (HSC section 11372.5). The error occurred because the court did not consistently order the fee.

We verified, on a sample basis, distributions made by the county’s probation department using its CMS. For each sample case, we recomputed the distributions and compared them to the actual distributions. In all three cases tested, we found that the probation department did not assess the criminal laboratory analysis fee (HSC section 11372.5).

We did not determine the effect of the error because it cannot be reversed, as the probation department cannot retroactively pursue collection from defendants.

HSC section 11372.5(a) requires defendants convicted of violating specific Health and Safety Code sections regulating controlled substances to pay a \$50 criminal laboratory analysis fee for each separate offense, and requires the court to increase the total fine as necessary to include the increment.

Recommendation

We recommend that the county’s probation department and the court work together to ensure that the criminal laboratory analysis fee (HSC section 11372.5) is assessed on applicable health and safety cases.

County’s Response

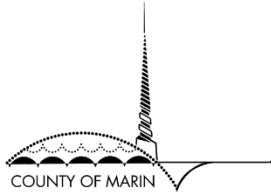
This issue arose from communication gaps and unclear processes among departments. The Probation Department is partnering with the Court and County IT to improve coordination, review workflows, and update its case management system to better identify eligible offenses. The Department of Finance concurs and will support development of internal controls and periodic reviews to ensure compliance with HSC §11372.5.

Appendix— Summary of Prior Audit Findings

The following table shows the implementation status of Marin County's corrective actions related to the findings contained in our prior audit report dated December 9, 2019.

Prior Audit Finding	Status
Finding 1— Underremitted 50% excess of qualified fines, fees, and penalties	Fully implemented
Finding 2— Underremitted DNA Penalties	Fully implemented
Finding 3— County's Probation Department made incorrect distributions to the State DNA Identification Funds	Fully implemented
Finding 4— Incorrect distribution for TVS cases	Not implemented; see Finding 10
Finding 5— Incorrect distribution of red-light TVS violations	Not implemented; see Finding 12
Finding 6— Incorrect distribution of red-light violations	Not implemented; see Finding 11
Finding 7— Incorrect distribution of DUI violations	Not implemented; see Finding 5

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



DEPARTMENT OF FINANCE

Excellent and responsive fiscal leadership.

July 10, 2025

Mina Martinovich, CPA
DIRECTOR

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**RE: Marin County Court Revenue Audit [S24-CRV-0010]
July 1, 2019 through June 30, 2023**

Dear Ms. Kurokawa,

The County of Marin has reviewed the State Controller's Office draft audit report on court revenues for the period referenced above. We acknowledge the findings and offer the following responses. We appreciate your audit team's professionalism and remain committed to transparency, timely resolution, and continued improvements in the accuracy of court-related revenue reporting.

Finding 1- Underremitted the 50% excess of qualified revenues

County Response – The underremittance stemmed in part from the complexity of the 50% excess calculation and misclassification of certain qualified revenues. In response, the Department of Finance revised its calculation methodology, updated reconciliation tools, strengthened internal procedures, and retrained staff.

The County will remit \$142,695 to the State Trial Court Improvement and Modernization Fund via a separate TC-31 referencing the audit period.

We also acknowledge the SCO's recommendation that the Marin County Superior Court establish separate accounts for Emergency Medical Services Fund (GC \$76104) and Maddy Fund (GC \$76000.5) revenues collected on traffic violator school (TVS) cases. We defer to the Court on this operational matter and stand ready to assist as needed.

Finding 2 - Incorrect distribution of revenues from DNA identification penalties

County Response – While assessments were properly calculated, \$1,328,401 was underremitted to GC \$76104.7 and \$18,908 was overremitted to GC \$76104.6 due to administrative oversight. The County has clarified internal review procedures, improved documentation, and implemented quarterly reconciliations. A net remittance of \$1,309,493 will be made to the State Treasurer.

Finding 3 - Incorrect remittances to the State

County Response – These variances resulted from cross-departmental reporting gaps, particularly for revenues collected by the Probation Department. A revenue remittance checklist and a monthly review protocol are now in place. The County will remit \$36,371 to the State Treasurer.

Finding 4- Incorrect distribution of revenues from domestic violence fees

County Response – During the audit period, the County mistakenly two-thirds of the domestic violence fee to the State instead of the required one-third. This has since been corrected through revised procedures. The \$28,497 overremittance will be applied to offset underremittances identified in other findings.

Finding 5 - Incorrect distribution of revenues from DUI violations

County Response – This finding concerns errors in distributions processed through the Probation Department's case management system, including underremittances to the State Penalty Fund, DNA Identification Funds, and the State Court Facilities Construction Fund. The Probation Department agrees with the finding and is reviewing system configuration and coordinating with the Court to implement corrective actions.

Finding 6 - Incorrect distribution of revenues from bail bond forfeiture cases

County Response – This finding pertains to the distribution of bail bond forfeiture revenues, which are processed and allocated by the Marin County Superior Court. The Department of Finance defers to the Court for the primary explanation and corrective actions related to this finding. We concur with the Court's response and remain available to provide assistance as needed.

Finding 7 - Incorrect distribution of revenues from DUI violations

County Response – This finding concerns the Court's misinterpretation of the Distribution Guidelines and corresponding CMS configuration, which led to excess amounts being collected from defendants in certain DUI cases. Because the issue arises from judicial case processing and defendant-level assessments, the Department of Finance defers to the Marin County Superior Court for the primary explanation and corrective actions. We concur with the Court's response and remain available to provide support as needed.

Finding 8 – Incorrect distribution of fish and game violations

County Response – This finding pertains to errors in revenue distributions from Fish and Game cases, as administered by the Court. The Department of Finance defers to the Court for the primary explanation and corrective actions related to this finding. We concur with the Court's response and remain available to provide assistance as needed.

Finding 9 - Incorrect distribution of proof of financial responsibility violations

County Response - This finding relates to the improper allocation of fines associated with vehicle code violations for failure to provide proof of financial responsibility. The Department of Finance defers to the Court for the primary explanation and corrective actions related to this finding. We concur with the Court's response and remain available to provide assistance as needed

Findings 10-13 - Incorrect distribution of speeding TVS and red-light violations

County Response - These findings relate to the distribution and handling of revenues for TVS cases, red-light violations, and associated retention requirements—all of which fall under the purview of the Marin County Superior Court. The Department of Finance defers to the Court for the primary explanation and corrective actions. We concur with the Court's response and remain available to provide assistance as needed.

Finding 14 – Failure to assess the criminal laboratory analysis fee

County Response – This issue arose from communication gaps and unclear processes among departments. The Probation Department is partnering with the Court and County IT to improve coordination, review workflows, and update its case management system to better identify eligible offenses. The Department of Finance concurs and will support development of internal controls and periodic reviews to ensure compliance with HSC §11372.5.

The Department of Finance would like to thank the State Controller's Office – Division of Audits for their expertise and assistance during this audit.

Sincerely,


Mina Martinovich, CPA
Director of Finance

Cc: Derek Johnson, County Executive
James Kim, Court Chief Executive Officer

**Attachment B—
Superior Court of California, Marin County’s Response to
Draft Audit Report**

**Superior Court of California
County of Marin**

FINANCE DIVISION



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San Rafael, CA 94913-4988

July 10, 2025

State Controller's Office
Division of Audits
PO Box 942850
Sacramento, CA 94250

Subject: Response to Audit Findings – Marin County Audit Report Court Revenue July 1, 2019 through June 30, 2023 (S24-CRV-0010)

Dear Mr. Justin Yeung,

This letter is in response to the Marin County Court Revenue Audit draft report issued on June 30, 2025.

The findings presented in the report, including recommendations for areas for improvement, have been carefully reviewed. The findings and recommendations outlined in the report are agreed upon.

A corrective action plan will be developed to monitor and review various distributions of our case management system, eCourt. This will be a joint effort of the Chief Financial Officer, Chief Operations Officer, Court Case Management System (CMS) Manager, as well as other members of the Finance and CMS team. These corrective actions will be implemented in a timely and effective manner.

The professionalism and insights provided by you throughout this process are appreciated. If you have any questions, please do not hesitate to reach the Chief Financial Officer, Jacalyn Mah, at jacalyn.mah@marin.courts.ca.gov or (415) 444-7247.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kim".

James Kim
Chief Executive Officer

**State Controller's Office
Division of Audits
Post Office Box 942850
Sacramento, CA 94250**

www.sco.ca.gov