

B37467

**STATE BOARD OF ACCOUNTS**  
**302 West Washington Street**  
**Room E418**  
**INDIANAPOLIS, INDIANA 46204-2769**

EXAMINATION REPORT  
OF

TOWN COURT  
TOWN OF PENDLETON  
MADISON COUNTY, INDIANA

January 1, 2007 to December 31, 2009



**FILED**  
08/25/2010



TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
Officials .....	2
Transmittal Letter .....	3
Examination Result and Comment: Town Court User Fee .....	4
Exit Conference.....	5

OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Judge	Honorable George M. Gasparovic	01-01-04 to 12-31-11
Clerk-Treasurer	Timothy J. Ryan	01-01-04 to 12-31-11
President of the Town Council	Donald E. Henderson	01-01-07 to 12-31-10



**STATE OF INDIANA**  
AN EQUAL OPPORTUNITY EMPLOYER

---

STATE BOARD OF ACCOUNTS  
302 WEST WASHINGTON STREET  
ROOM E418  
INDIANAPOLIS, INDIANA 46204-2769

Telephone: (317) 232-2513  
Fax: (317) 232-4711  
Web Site: [www.in.gov/sboa](http://www.in.gov/sboa)

TO: THE OFFICIALS OF THE TOWN OF PENDLETON

We have examined the records of the Town Court for the period from January 1, 2007 to December 31, 2009, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Examination Result and Comment. The financial transactions of this office are reflected in the Annual Report of the Town of Pendleton, Madison County for the year 2009.

STATE BOARD OF ACCOUNTS

July 27, 2010

TOWN COURT  
TOWN OF PENDLETON  
EXAMINATION RESULT AND COMMENT

TOWN COURT USER FEE

The Town of Pendleton approved Ordinance 2007-09 establishing a "Town Court User Fee" on August 2, 2007, under the Indiana Home Rule Act (IC 36-1-3). This fee is charged in each case involving an infraction or misdemeanor in which the defendant enters an admission of the violation or a plea of nolo contendere. The home rule statute (IC 36-1-3-5(a)) prohibits a governmental unit from exercising powers that are expressly granted to another unit. All court fees are established under IC 33-37.

IC 5-7-2-1 states:

"It shall be unlawful for any officer in this state, under color of his office, to tax, or permit to be taxed in his office, any fee or sum of money that is not legally allowable under the statute or statutes of the state."

IC 5-7-2-8 states:

"If any county, township, or other public officer of the state shall violate or disregard this chapter or any part thereof and shall there by obtain any fee or sum of money denied him by this chapter or any part of this chapter, the person or persons from whom he received such money shall have the right of civil action in any of the courts of the county for the recovery of such money, and shall, in connection therewith, recover the sum of not less than ten dollars (\$10) damages and not more than thirty dollars (\$30) damages, but such suit shall be preceded by demand."

IC 33-37 states in part: "The costs imposed by this article are for all proceedings in the action."

TOWN COURT  
TOWN OF PENDLETON  
EXIT CONFERENCE

The contents of this report were discussed on July 27, 2010, with Honorable George M. Gasparovic, Judge; and Deena Watkins, Court Administrator.