Revenue Distribution Breakout Session "Hands On"

Basic Review

Revenue Distribution Training - May 2015

Instruction Goals and Expectations

- Provide information on some basic concepts and terms regarding distributions necessary to complete distribution worksheets.
- Using Audit Services' distribution worksheets attendees will on a hands-on basis:
 - Work through actual case studies of basic distributions.
 - Change information on the cases (priors, different base fines, etc.) to see their effect on the distributions.

Note: While Audit Services distribution worksheets will be used, any worksheet that serves an individuals style or purpose works.

BASIC CONCEPTS AND TERMS

Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

+ State and Local Penalties

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Initial Penalty

Surcharge, Fees, and Assessments

Total Bail or Fine

4

Base Fine or Base Bail

- The amount from which the additional penalties required by PC 1464; GC 70372, 76000, 76000.5, 76104.6, & 76104.7; and surcharge required by PC 1465.7 are calculated.
- · Total bail shall not exceed statutory limits.
- The 'fine' amount of the total bail shall not exceed the limitations specified by the Vehicle Code.
 UB&PS Section II, pg. iii

5

Base Fine Enhancements

- Enhancement for Prior VC Convictions UB&PS section VII, pg. viii
 - \$10 is added to the base fine for each "prior" conviction within 36 months of the new alleged offense. Both the current and "prior" offense must be a moving violation for which a "point" has been assigned per Vehicle Code section 12810 or 12810.2. The \$10 priors enhancement is assessed for each prior violation on a single count but is assessed only once per case. Also, priors enhancement does not apply to traffic school cases.
- HS 11372.5 Criminal Lab Fee Appendix C
 - Base fine enhancement of \$50 for each violation of the HS code under subdivision (b).
- HS 11372.7 County Drug Program Fee Appendix C
 - Base fine enhancement of up to \$150 for each violation of the HS codes 11350 through 11392 except HS 11357(b).

Judicial Council Uniform Bail and Penalty Schedules (Rule 4.102)

 PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.

The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

 VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking Vehicle Code infractions.

Revenue Distribution Training - July 9, 2014

7

2% State Court Automation

- GC 68090.8 2% State Court Automation $_{\mbox{\footnotesize Appendix C}}$
 - <u>Transferred</u> from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases.
 - · So, referring to our equation, 2% applies to the:
 - Base Fine
 - · Base Fine Enhancement
 - State and Local Penalties

8

Surcharge

- PC 1465.7 20% State Surcharge Appendix C
 - $\cdot~$ 20% state surcharge is calculated on total base fines.
 - The state surcharge is NOT calculated on State and local penalties (PC 1464, GC 70372, and GC 76000.)
 - The GC 68090.8 2% state court automation is $\mbox{\bf NOT}$ applicable to the state surcharge.

State and Local Penalties

- These penalties are calculated using the "Per 10, or part of 10" factor from a ROUNDED UP base fine.
- State and Local Penalties UB&PS Section III A, pg. iii
 - PC 1464 State penalty = \$10 per 10
 - GC 76104.6 County DNA Identification Fund penalty = \$1 per 10
 - GC 76104.7 state DNA Identification Fund additional penalty = \$4 per 10
 - GC 70372(a) state court facilities construction penalty = \$5 per 10
 - GC 76000(a) county penalty per board of supervisors resolution = \$7 per 10
 - GC 76000.5 emergency medical services (EMS) additional penalty per $\,$ board of supervisors resolution = \$2 per 10 $\,$

10

State and Local Penalties

- · Penal Code section 1464 State Penalty Appendix C
 - A penalty of \$10 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected wherein 70% goes to the State and 30% goes to the County.
- · GC 76000 (a) & (e) County Penalties Appendix C
 - A penalty of \$7 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected as levied by the county board of supervisors.
 - Board resolution specifies distribution to the following local funds: GC 76100 Courthouse Construction Fund; GC 76101 Criminal Justice Facilities Fund; GC 76102 Auto Fingerprint ID Fund; GC 76103 Forensic Lab Fund; GC 76104 EMS Fund; GC 76104.5 DNA ID Fund; and/or GC 76105 Special Purpose Fund.
 - If responsibility for facilities transferred to State and NO bonded indebtedness remains, the additional penalty follows GC 76000 (e).

11

Additional Penalties

- GC 76104.6 DNA Identification Penalty Appendix C
 - Additional penalty of \$1 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - · Assessed on all criminal offenses.
 - County transfers 25% to State each quarter.
- GC 76104.7 DNA Identification Penalty Appendix C
 - Additional penalty of \$4 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - Assessed on all criminal offenses (for violations after June 27, 2012.)
 - · County to transfer 100% to State.

Additional Penalties

- GC 70372 (a) State Court Facilities Construction Penalty Appendix C
 - Additional penalty of \$5 per 10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected.
 - · Distributed to the State ICNA and State CFCF
- GC 76000.5 Emergency Medical Services (EMS) Appendix C
 - Additional penalty assessment of \$2 per 10 (or part of \$10) of the base fine if the county board of supervisors approves by resolution.
 - · Distributed to the County Maddy EMS Fund

13

Additional Penalties

- GC 76000.10(c)(1) \$4 EMAT Penalty UB&PS Section III F, pg.iii and Appendix C
 - A \$4 penalty for emergency medical air transportation services (EMAT) is imposed for every conviction of a violation of the Vehicle Code, or a local ordinance adopted under the Vehicle Code, committed on or after January 1, 2011.
 - Distributed to the State EMAT Fund

14

Fees and Assessments

- PC 1465.8 Court Operations Assessment (Formerly Court Security Fee) Appendix C
 - \$40 assessed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1462
 - "Conviction" includes the confidential conviction of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school.
 - 100% distribution to State TCTF.
- GC 70373 Criminal Conviction Assessment $\,$ Appendix C $\,$
 - \$30 assessed for each $\underline{\text{felony/misdemeanor}}$ conviction, $\pmb{\text{or}}$
 - \$35 assessed for each $\underline{\text{infraction}}$ conviction (including confidential conviction for completion of traffic school.)
 - 100% distribution to State ICNA.

Fees and Assessments

- VC 42006 Night Court Special Assessment Appendix C
 - Vehicle Code or local ordinance adopted where the court conducts night or weekend court sessions for traffic offenses.
 - Court may levy a \$1 special assessment per fine, forfeiture, and traffic violator school fee imposed and collected.
 - When facilities have transferred w/o bonded indebtedness, the \$1 special assessment goes to the State.

42006. (a) Except as provided in subdivision (c), there may be levied a special assessment in an amount equal to one dollar (\$1) for every fine, forfeiture, and traffic violator school fee imposed and collected by any court that conducts a night or weekend session of the court, on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking.

16

CASE Studies

Reference Materials

- Statutes
- UB&PS
- · Appendix C and FAQs
- Crosswalk
- Spreadsheets

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Preparing for Distributions

- 1. Gather information about the citation
 - · Violation and conviction dates
 - · Local penalties, fines, assessments, etc.
 - · Current BOS resolutions
 - · Court facility information
- 2. Review statutes
- 3. Refer to Appendix C and FAQ's
- 4. Refer to the UB&PS
- 5. Call/email for assistance only after going through 1-4

Preparing for the Calculations

- 1. Gather Information (from the case management system/case file) including:
 - · Codes violated
 - · Violation date and conviction date
 - Disposition on each count (conviction, dismissed, traffic school)
 - · Prior violations
 - Base fine and enhancements for total base fine (how much was assessed)
 - Arresting agency county, city, CHP, . . .

20

Case Study #1

Speeding 16 to 25 MPH over 55 MPH Limit

VC 22349(b) Infraction

Basic distribution template

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Article 1.5. Sevenile Offens	es Involving Alcohol	23140
Article 1.7. Youthful Drunk	Driver Visitation Program	
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Article 7. Alternative to Al	cohol or Drug Education Program	23590
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TRAFFIC INFRACTION FIXED PENALTY SCHEDULE
(*See Preface, Section III) (**See Preface, Section IV)

SPEED CHART

MPH Over Limit	Base Fine		County PA*/10 7.00		Court Facility Const. PA*/10 5.00	Shortanes of	EMS PA* /10 2.00	AT TAKES A	Fine Surcharge & PA Subtotal	& ContOPS	S Contains	Mgh Count	TAP Fee	"Total Bail" **
1-15	\$35	\$40	\$28.00	\$20	\$20	\$7	\$8	\$4	\$162.00	\$40	\$35	51	\$0.00	\$238.00
16-25	\$70	\$70	\$19.00	\$33	\$35	514	\$14	54	\$291.00	\$40	\$35	\$1	\$0.00	\$367.00
26 and over	\$100	\$100	\$70.00	\$50	\$50	\$20	\$20	\$4	\$414.00	\$40	\$35	\$1	\$0.00	\$490.00

Information for Speeding Case Example #1

Court Case Information:

- Violation Date = 11/10/2014
- Disposition Date = 12/10/2014
- Arresting Agency County Sherriff
 - % Split between County and City (Refer to PC 1463.002)
- Violation = VC 22349(b) 16 to 25 MPH Over 55 MPH Limit
 - Court Base Fine Assessed = \$100
- $\bullet \quad \hbox{Violation Type} = \hbox{Infraction}$
- Disposition = Bail Forfeiture
- Prior VC Conviction = 0 No Priors

26

Information for Speeding Case #1

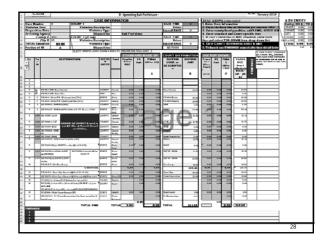
Local BOS Penalties:

- LCCF = \$2
- LCJF = \$2
- EMS = \$1
- DNA = \$1
- Auto Fingerprint = \$1
- Additional EMS = \$2

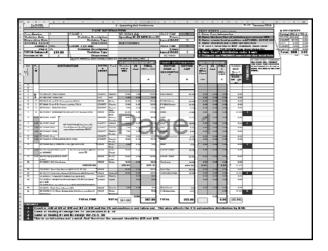
Court Fees:

- DMV Administrative Fee = \$10
- Night Court Fee = \$1

Court Distributions: Enter on spreadsheet from court CMS (see handout)

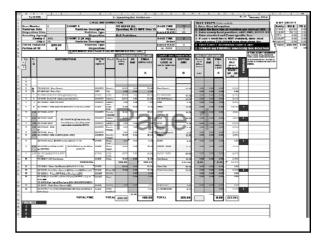


CHECK THE SUBTOTAL TO THE UB&PS



Case No 1 version 2

- Add one prior.
- What happens to the base fine and the distribution?
- Disregard court numbers as they do not include a prior.



Case No 1 version 3

- Installment payment program?
 - PC 1205(e) actual costs
 - · VC 40510.5(g) fee
 - Cost study
- Accounts Receivable fee PC1205(e)?

Installment Payment Fee

VC 42007(a)(2)

- The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court.
- The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.

VC 40510.5(g)

- (a) The clerk of the court may accept a payment and forfeiture of at least 10 percent of the total bail amount for each infraction violation of this code prior to the date on which the defendant promised to appear, . . .
- (g) The defendant shall pay to the clerk of the court or the collecting agency a fee for the
 processing of installment accounts. This fee shall equal the administrative and clerical
 costs, as determined by the board of supervisors or by the court, except that the fee shall
 not exceed thirty-five dollars (\$35).

34

Installment Payment Fee

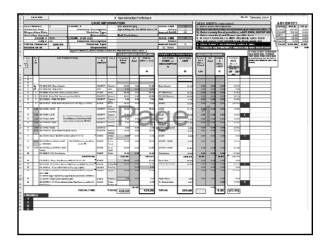
Penal Code Section 1205

(e) The defendant shall pay to the clerk of the court or the collecting agency a fee for the processing of installment accounts. This fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account

The defendant shall pay to the clerk of the court or the collecting agency the fee established for the processing of the accounts receivable that are not to be paid in installments.

The fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account, except that the fee shall not exceed thirty dollars (\$30).

Revenue Distribution Training



Case No 1 version 4

- · Court facilities change:
 - · Transfers are 100%
 - · LCCF monies have been sent to the State
 - · There is no debt.
- · What happens to the distribution?
- Data: GC 76000 \$7/\$10; GC 76000(e) \$5/\$10
 - Sq footage of court facilities transferred from the county to the state = 600,000
 - Total court facility square footage in the county = 800,000

Case No 1 version 4

GC 70375

- (a) This article shall take effect on January 1, 2003, and the fund, penalty, and fee assessment established by this article shall become operative on January 1, 2003, except as otherwise provided in this article.
- by this alluce shall become operation of January 1, 2005, except as otherwise provided in this alluce.

 (b) The authority for all of the following shall expire proportionally on the June 30th following the date of transfer of responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council: (1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100. (2) A filling fee surcharge in the County of Riverside established pursuant to Section 70622. (3) A filling fee surcharge in the County of San Bernardino established pursuant to Section 70624. (4) A filling fee surcharge in the City and County of San Francisco established pursuant to Section 70624.
- (c) For purposes of subdivision (c), the term "proportionally" means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.

Case No 1 version 4

- UB&PS III E pg. iv
- In counties with bonded indebtedness for court facilities, the count penalty assessment amount under Government Code section 76000(e) is \$7 for every \$10 or part of \$10 of the base fine.
- In counties without bonded indebtedness for court facilities, if the county penalty assessment amount listed in Government Code section 76000(e) is
- less than \$7, the penalty for every \$10, or part of \$10, of the base fine is
- equal to the amount listed in Government Code section 76000(e)
- plus the amount obtained from multiplying the difference between \$7 and the amount listed in Government Code section 76000(e) by
- the ratio of the square footage of court facilities transferred from the county to the state to the total court facility square footage in the county.

	GC 7	0375 © and UB&PS III E pg. iv	,
GC 76000	\$ 7.00	Court Facilities transferred	600,000
GC 76000 (e)	\$ 5.00 \$ 2.00	Total Court Facilities Ratio	800,000 0.75
		Not transferred	ratio 0.25
	Formula is	\$2.00 times .25 plus	\$5.00 = \$5.50

Case No 1 version 5

- What if the judicial officer orders the defendant to pay \$300 only?
- · What do you do?
- · What happens to the distribution?

Top-Down Distribution

- This special distribution applies for judge-ordered total fines that do not follow the standard total bail in the UB&PS or the countywide penalty schedule.
- These total fines are typically less than the standard total bail.
- There is no stated or agreed-upon method for performing the Top-Down distribution, so the following are examples of two methods..

Top-Down Distribution

- · Soft dollar only.
- Prorate to all.

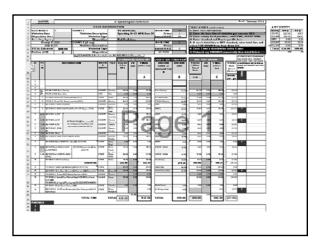
BASIC RULES

• Tops Down vs. Bottoms Up Assessments

PC 1463.004: If a sentencing judge specifies only the total fine or forfeiture, or if an automated case-processing system requires it, percentage calculations may be employed to establish the components of total fines or forfeitures, provided that the aggregate monthly distributions resulting from the calculations are the same as would be produced by strict observance of the statutory distributions.

May 6, 201

Revenue Distribution Training



Case Study No. 2

- DUI causing injury
- VC 23152 Misdemeanor
- County arrest
- Basic distribution template

Vehicle Code	
CHAPTER 12. PU	
	Driving Offenses
AFTICLE 1.	3. Offenses by Persons Under 21 Years of Age Tavalving Blackel
Accide 1	5. Juvenile Offenses Involving Alcohol
Article 1.	1. Youthful Drunk Driver Visitation Program
Article 2.	Offenses Involving Alcohol and Drugs 25152-25229.1
Article 4.	Ignition Interlook Derice
CEARTER 13.	Alcohol and Drug Problem Assessment Program 29249.50 VEHICULAR CROSSINGS AND TOLL HIGHWAYS
Article 1.	General Provisions
Article 2.	Towing on Vehicular Crossings
Article 1.	Tolls and Other Charges
	Special Traffic Regulations
	5. SENTENCING FOR DRIVING WHILE UNDER THE INFLUENCE
CHAPTER 1.	COURT-IMPOSED PERALTIES: BERSONS LESS THAN 11 YEARS OF ACE
APTICLE 1.	Deneyal Provisions
Article 2.	Penalties for a Violation of Section 20140
Article 1.	Youthful Drunk Driver Visitation Program 20509-20510.5
Article 4.	Penalties for a Violation of Section 23152 or
	23153 23520-23521
CHAPTER 2.	COURT PENALTIES
Aftidle 1.	Central Provisions 23530 Jensities for a Violation of Section 23152 23536-23552
Article 1.	Penalties for a Violation of Section 23152 23536-23552 Penalties for a Violation of Section 23153 23554-23568
	Additional Punishments
Article 8.	Additional Penalties and Sasctions
Article 6.	Additional Court-Imposed Orders and Directions 29592-23597
	Alternative to Alcohol or Drug Education Fronza 23898 PROBATION 23600-23602
CHARTER 4.	
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Case Study No. 2

- Prepare a distribution spreadsheet to confirm whether the court is correct or not.
- 2. Cross check to the UP&PS
- 3. If you do not have enough information from the court. Ask.

CHARGO STRUCKY NO. 2 **TRAFFIC MERCHENANCE RALL AND PENALTY EXCEPTION 1.** **Charge Parks No. 1.** **Charge Parks No. 1.** **Traffic Merchen Parks No. 1.** **Traffic Me

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Case Study No. 3

- Disabled Parking Violation
- VC 22507.8 (a-c) Infraction
- · Request is what do we assess and
- · Can you build a spreadsheet for us.

VC 22507.8 (a-c)

- (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of this code or Section 14679 of the Government Code, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.
- (b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a).
- (c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following

places: [see statute]

Sections	Į	Othuse	/Tec		County FA 100	DNA	PA* 100 5.69	Sentary	15-55 PA* /20	Fig. 142 Sel	A	Gene	Chr/Asst		TAP	Ball Si
22100 (4)		Perforg in Tim Loading Arra	210	210	175.00	131	125	10	10	: .	079 00	**	15	÷	0.00	1,105 00 44
22500 (7)	76	Proking or Cests Constructed to Provide	250	250	175.00	125	125	50	50	4 1	00,420	40	35	1	6.00	1,165.00 4s
22500.1		Wheelchair Accessibility Storoger in Decimented Fire Lone	15	40	25.00	26	20	,			162.00	10	15		600	228.00 2s
22504 (00		Unincomporated Asea Sampling	15	40	25.00	20	20	- 7		i	167:00					23600 28
22505 (b)		Unsetherized Stopping on State Highway Promoted	35	46	28.00	20	20	7	8	4	162.00	45	35	1	0.00	238.00 2s
22597.6 (e-c)	a	Violetims of Disebled Peology Provisions	250	259	175.00	125	125	59	59		929.99					1,105.00 %
22511.1 (a)	-	Infraction Violation for Parking Standing in Specc for Charging Electric Vehicle While Nor Connected for Charging Vehicle	100	100	70.00	50	50	29	20	4	414.00	40	35	1	0.00	499.00 4a
22511 1 (a)	**	India: time Violation for Parking Standing in Space for Charging Electric Vehicle While Not Connected for Charging Vehicle and Proof of Visite Zero-Emission December on Time of Violation Day Not Displayed	25	30	21 00	15	15	5	6	4	171.00	40	15	1	600	197.00 42
22511.1 (6)		Indication Violation for Obstructing Effecting or Barring Acress to Space for Charging Electric Vehicle	100	106	70.00	50	58	26	26	4	414.00	40	15	1	600	490.00 4a
22511.1 (9)	-	influction Violation for Obstructing, Stocking, or Sweining Across or Spece for Caseging Electric Vehicle and Proof of Valid Zero-Emission Decal Possessed at Time of Violation But Not Displayed	D	30	21.00	15	35	>	0	1	121.00	42	30	1	0.00	197.00 4a
2010		Locking Vehicle With Person Loads United to Encape	35	40	29.00	29	29	7		•	107.00					238.00 28
22517		Opening Door on Truffic Side When Ussale	35	40	28.00	20	20	7	*	4	142.00					238:00:24
22520.5 (0)		Vonting on Frocusy Right-of-Way Problems	35	40	29.99	29	29			•	162.00	40	35		0.00	236.00 28
22530.6 (a)		Unauthorized Activities at Highway Red Acts Vista Point Prolabilist	15	40	75.00	70	20	7	-	4	167 00					718.00 7s
22522	at.	Problem Note Sidewalk Acress Ramp for Disabled	250	250	175.00	125	125	59	59	* 1	,929.00	10	35	١	0.00	1,105.00 48
				29												

		()	iee Preface, Section (1		Code)	WERCH,	54(1)10	114)						
Section 3		Officers	Bose First Foot		County PAN10	DNA DA*	Count PA* /00	Suchage		Swebsep Swebsep Sk PA	Control Com/Asses	O TAP	"Total Bell" " / Fee	Cheprey
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Select An Existing Worksheet

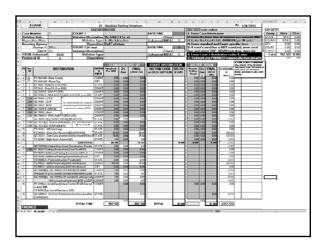
- Infraction worksheet.
- Used #9 Speeding Bail Forfeiture
- Clear existing data concerning any earlier infraction

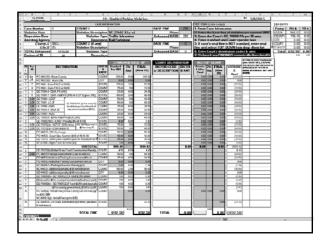
Insert Case Data and County BOS for GC 76000

- \$250 base fine
- No enhancements
- · County arrest
- BOS GC 76000 \$7 -- et al
 - GC 76100 \$2; GC 76101 \$2
 - GC 76104 \$1; GC 76104.5 \$1
 - · GC 76102 \$1
- BOS GC 76000.5 -- \$2 / \$10

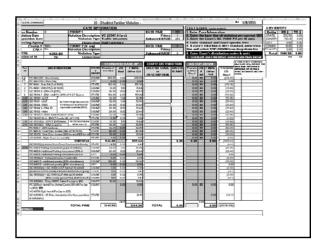
58

Spreadsheet Not Populated





Base fine of \$250 with one prior



OTHER ITEMS TO BE AWARE OF

Late Penalty Charge

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.

The 20 days shall be counted from the mailing of a notice that the penalty has been assessed. See next page for a sample calculation.

65

Recap Building Spreadsheets

Covered the Following:

- 1. Look up the statutes.
- 2. Get resource materials:
 - a. Appendix C and FAQs
 - b. Uniform Bail and Penalty Schedule
- 3. Get case information
- 4. Copy spreadsheet as similar as possible.
 - a. Clear numbers from spreadsheet
 - b. Complete violation data on top
 - c. Complete BOS local penalty data for your county
 - d. Cross check data to the UB&PS
- 5. If problems, call experts

Review of Instruction Goals	and
Expectations	

- Provide information on some basic concepts and terms regarding distributions necessary to complete distribution worksheets.
- Using Audit Services distribution worksheets :
 - Have attendees work through actual case studies of basic distributions.
 - 2. Change information on the cases (priors, different base fines, etc.) to demonstrate how distributions change.

Revenue Distribution Training

67

The End

Thank you!!