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Auditor of Public Accounts

Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

December 21, 2018

The Honorable Keith Nelson Hurley
Chief Judge
City of Colonial Heights General District Court
P.O. Box 144 - 9500 Courthouse Road
Chesterfield, VA 23832

Audit Period: July 1, 2017 through June 30, 2018
Court System: City of Colonial Heights
Judicial District: Twelfth

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review, we noted certain matters that required management's attention and corrective action. These matters included:

Maintain Court Appointed Attorney Records

Repeat: No

For three cases, the former Clerk did not maintain adequate supporting documentation to allow us to determine whether or not the Commonwealth or locality were properly billed for court appointed attorney fees. The current Clerk should maintain these records in accordance with the Court Appointed Counsel Guidelines and Procedures Manual.

Properly Bill and Collect Court Costs

Repeat: Yes (first issued in 2017)

The former Clerk and her staff did not properly bill and collect court costs. In 18 of 47 cases tested, we noted that defendants were not charged for court costs totaling \$4,327. The current Clerk and her staff should correct the specific cases noted and should establish a system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should bill and collect court costs in accordance with the Code of Virginia.

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Properly Complete and Maintain Waivers

Repeat: No

The former Clerk did not complete or maintain proper supporting documentation for attorney payments. Court appointed attorneys may request additional payment in excess of the statutory cap by submitting detailed waiver applications for approval by the Chief and Presiding Judges. In two of five attorney invoices tested, the former Clerk did not retain the proper documentation.

The Clerk should require that all applicable signatures are present and that waivers are completed in full and retained with the appropriate invoices as required by Court Appointed Counsel Procedures and Guidelines Manual.

We acknowledge the cooperation extended to us by the Clerk and her staff during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

MSM:vks

cc: The Honorable Matthew Donald Nelson, Judge
The Honorable Pamela O'Berry, Judge
The Honorable James J. O'Connell III, Judge
The Honorable Thomas L. Vaughn, Judge
Beneatha B. Simmons, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia