



Commonwealth of Virginia

Walter J. Kucharski, Auditor

**Auditor of Public Accounts
P.O. Box 1295
Richmond, Virginia 23218**

March 17, 2010

The Honorable Peter W. Steketee
Chief Judge
County of Prince William General District Court
9311 Lee Avenue
Manassas, VA 20110-5586

Audit Period: July 1, 2008 through June 30, 2009
Court System: County of Prince William
Judicial District: Thirty-first

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:

Background Information

The Clerk's office experienced a turnover in the Clerk's position during the audit period. The former Clerk resigned in June 2008. The current Clerk was a supervisor within the office, before assuming these duties in October 2008.

Properly Bill Court Costs

The Clerk and her staff is not properly billing and collecting court appointed attorney, fixed misdemeanor, fixed traffic, "Tried in Absence Fee", "Time to Pay Fee", and courthouse security fees involving local and state charges as required by Sections 19.2-163, 16.1-69.48:1, 19.2-354, and 53.1-120 of the Code of Virginia. Auditor tested 44 cases and noted the following errors.

- In two local cases, the Clerk's staff incorrectly entered the defendants' payments as state court appointed attorney fees instead of local causing a loss of revenue to the locality totaling \$240.
- In four local cases, the Clerk's staff did not properly bill the locality for the court appointed attorney fees. Instead, the Clerk's staff erroneously billed the Commonwealth for \$480. Additionally, in one of these cases, the court did not bill the defendant for the court appointed attorney fees totaling \$120.

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- In one case, the Clerk's staff miscoded a fixed misdemeanor fee as a courthouse security fee causing a loss of revenue to the Commonwealth totaling \$51.
- In eight cases, the Clerk's staff over-charged defendants for the following:

Fixed traffic and courthouse security fees totaling \$61
Fixed traffic fee in three cases totaling \$21
"Tried in Absence Fee" totaling \$12
"Time to Pay Fee" totaling \$10
Courthouse security fees in two cases totaling \$20

- In two cases, the Clerk's staff did not bill the defendants for the fixed misdemeanor fee totaling \$20.

We recommend the Clerk research all similar cases, make the appropriate corrections case paperwork, and where appropriate, bill the localities for the applicable court appointed attorney fees. Further, we recommend the Clerk and her staff work with the Office of the Executive Secretary to receive training in billing court costs.

Properly Maintain Court Appointed Attorney Records

The Clerk does not consistently maintain court-appointed attorney invoices, timesheets, and waivers as required by the Court-Appointed Counsel Guidelines and Procedures Manual. The invoice documents the approval of the amount certified for payment. The timesheet provides a detailed accounting of the time spent on a case and justification for additional fees requested. A waiver provides a detailed explanation of additional fees requested. We recommend the Clerk maintain records in accordance with the Court Appointed Counsel Guidelines and Procedures Manual.

We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable Charles F. Sievers, Judge
The Honorable Wenda K. Travers, Judge
The Honorable Steven S. Smith, Judge
Jacqueline R. Ward, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia