



Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

October 15, 2010

The Honorable Chadwick S. Dotson
Chief Judge
County of Wise General District Court
P. O. Box 829
Wise, VA 24293-0829

Audit Period: July 1, 2009 through June 30, 2010
Court System: County of Wise
Judicial District: Thirtieth

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:

Properly Bill Fines and Costs

The Clerk is not properly billing and collecting fines, fixed misdemeanor, and court appointed attorney fees involving local and state charges resulting in a loss of revenue to the Commonwealth and locality. Auditor tested 22 cases and the following errors in six of these cases:

- In three cases, the Clerk erroneously identified fines totaling \$850 as local violations rather than state.
- In four cases, the Clerk incorrectly entered the defendants' payments of court appointed attorney fees totaling \$480 as local rather than state.
- In one case, the Clerk did not certify a fixed misdemeanor fee totaling \$61 to the Clerk of the Circuit Court after the defendant appealed the case.
- In one case, the Clerk incorrectly identified a fine totaling \$30 as a state violation rather than local.

The Honorable Chadwick S. Dotson, Chief Judge
October 15, 2010
Page Two

We recommend the Clerk research all similar cases and make the appropriate corrections to case paperwork. Further, the Clerk should bill and collect court costs and fines in accordance with Sections 16.1-69.48:1, 19.2-163, 19.2-335, and 19.2-340 of the Code of Virginia.

Request Tax Set Off Refunds

The Clerk did not request the Virginia Department of Taxation (TAX) hold tax set off refunds totaling \$651 for individuals that owe delinquent court costs and fines resulting in a loss of revenue to the Commonwealth and locality. A court must request tax refunds through TAX's automated accounting system called the Integrated Revenue Management System. The Clerk should request tax set off refunds to maximize collections as required by Section 58.1-524 (A) of the Code of Virginia.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK: clj

The Honorable Chadwick S. Dotson
Jean C. Sparks, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia