

**THE CLERK OF THE CIRCUIT COURT  
FOR THE  
COUNTY OF DICKENSON**

**REPORT ON AUDIT  
FOR THE PERIOD  
JULY 1, 2006 THROUGH JUNE 30, 2007**



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# Commonwealth of Virginia

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

**Walter J. Kucharski, Auditor**

November 29, 2007

The Honorable Joseph H. Tate  
Clerk of the Circuit Court  
County of Dickenson

Board of Supervisors  
County of Dickenson

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of the County of Dickenson for the period July 1, 2006 through June 30, 2007.

Our primary objectives were to test the accuracy of financial transactions recorded on the Court's financial management system; evaluate the Court's internal controls; and test its compliance with significant state laws, regulations, and policies. However, our audit was more limited than would be necessary to provide assurance on the internal controls or on overall compliance with applicable laws, regulations, and policies.

Court management has responsibility for establishing and maintaining internal controls and complying with applicable laws and regulations. Internal control is a process designed to provide reasonable, but not absolute, assurance regarding the reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations.

Our audit was more limited than would be necessary to provide assurance on internal controls or to provide an opinion on overall compliance with laws and regulations. Because of inherent limitations in internal controls, errors, irregularities, or noncompliance may nevertheless occur and not be detected. Also, projecting the evaluation of internal controls to future periods is subject to the risk that the controls may become inadequate because of changes in conditions or that the effectiveness of the design and operation of controls may deteriorate.

The results of our tests found the Court properly stated, in all material respects, the amounts recorded and reported in the financial management system.

However we noted certain matters involving internal control and its operation that we consider to be reportable conditions. A reportable condition involves a matter coming to our attention relating to a deficiency in the design or operation of internal controls that, in our judgment, could reasonably lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The reportable conditions are discussed in the section titled "Internal Control and Compliance Findings and Auditor's Recommendations."

We do not believe these conditions are material weaknesses. A material weakness is a significant deficiency in the design or operation of internal controls that, in our judgment, could reasonably lead to the loss of revenues or assets, or otherwise compromise fiscal accountability and go undetected.

The results of our tests of compliance with applicable laws and regulations disclosed an instance of noncompliance that is required to be reported. This instance of noncompliance is discussed in the section entitled “Internal Control and Compliance Findings and Auditor Recommendations.”

We discussed these comments with the Clerk and we acknowledge the cooperation extended to us by the court during this engagement.

#### AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable Michael Lee Moore, Chief Judge  
Keith Viers, County Administrator  
Robyn M. de Socio, Executive Secretary  
Compensation Board  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia  
Director, Admin and Public Records  
Department of Accounts

## INTERNAL CONTROL AND COMPLIANCE FINDINGS AND AUDITOR'S RECOMMENDATIONS

The following findings are reportable internal control matters that could lead to the loss of revenues, assets, or otherwise compromise the Clerk's fiscal accountability. The Clerk's response and written corrective action plan to remediate these findings are included as an enclosure to this report.

### Monitor and Disburse Liability Accounts

The Clerk does not escheat all unclaimed property and restitution to the appropriate authority. Specifically, we noted the following.

- The Clerk has not remitted 11 outstanding checks totaling \$559 to the Workers Compensation Commission.
- The Clerk has not remitted one outstanding check totaling \$50 to the Division of Unclaimed Property.

The clerk should send unclaimed property to the appropriate division or fund after due diligence procedures to locate the recipient have failed.

### Properly Assess and Record Criminal Fees

The Clerk and his staff did not assess fees and costs in criminal cases in accordance with the Code of Virginia. We noted assessment errors totaling \$550 in six of 20 cases tested. These errors involved the jail admission and court appointed attorney fees.

Using the Supreme Court's current fee schedule and when practical, attending periodic regional training meetings can help keep court staff abreast of changes in costs and fees. The Clerk should assess and collect all court costs and fees in accordance with the Code of Virginia. Further, the Clerk should assess and attempt collection of any fees not previously assessed.

### Improve Tax Set-off Procedures

The Clerk and his staff does not follow the Department of Taxation's guidelines and procedures for requesting tax set-off refunds for individuals that owe delinquent court costs and fines as required by section 58.1-524 (A) of the Code of Virginia. Starting in fiscal year 2006, a court must request the tax refunds through the Department of Taxation's automated accounting system called the Integrated Revenue Management System (IRMS). The Clerk does have staff certified to use IRMS, however to date the staff has been unsuccessful in requesting and receiving tax refunds. The Clerk and his staff should immediately request additional training in using IRMS from the Department of Taxation or the Supreme Court.



## **Circuit Court Clerk's Office**

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Joe Tate, Clerk

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### **CORRECTIVE ACTION PLAN**

Item #1 - \$559.00 to the Criminal Injuries Compensation Fund. Upon obtaining new addresses, new checks were mailed out. All others have been remitted to Criminal Injuries Compensation Fund.

Item #2 - \$50.00 to the Division of Unclaimed Property. This was owed to a personal friend who lives in Honolulu, Hawaii. I obtained his correct address and the check is ready to mail.

Item #3 - \$550.00 Assessment errors in 6 of 20 cases. The field auditor informed my chief deputy that he could only charge the defendant a certain amount no matter what the Judge approved. He now understands that mileage must be included in these charges. If the field auditor can identify these cases and they can be adjusted, they will be.

Item #4 - This office always tries to have the Clerk or deputy clerks in attendance unless they are all held in Northern Virginia. With a staff of 4 and all they have to do, it is almost impossible to attend more than 1-day sessions.

Item #5 - Improve tax set off procedures. Upon discussing this problem with my staff, I have decided to assign this duty to Ms. Jeannie Monahan and will have her trained accordingly.

In closing, I would like to say in defense of my staff, they are seriously overworked. We lost all part-time funds provided by the state several years ago and there is just so much 4 people can do. If the Comp Board would approve 1 additional person for this office, I might be able to convince these employees to stay and work for the new clerk who will assume his duties on January 1, 2008.

Sincerely,

Joseph H. Tate  
Clerk

