



Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

January 28, 2010

The Honorable Robert H. Downer, Jr.
Chief Judge
County of Madison General District Court
P. O. Box 2677
Charlottesville, VA 22902

The Honorable Susan L. Whitlock
Chief Judge
County of Madison Juvenile and Domestic Relations District Court
350 Park Street
Charlottesville, VA 22902

Audit Period: July 2008 – June 2009
Court System: County of Madison
Judicial District: Sixteenth

We are performing a statewide audit of the Combined 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:

During the audit period, the Supreme Court of Virginia had no formal guidance regarding approval of Clerk's leave submitted to the electronic leave reporting system. The Supreme Court of Virginia has since issued interim guidance regarding the implementation of internal controls over this process, and this court promptly implemented those controls.

Improve Recordkeeping

The Clerk did not properly bill for court appointed attorney fees, assess fines involving local and state charges, or improperly receipt collections into the Financial Management System. The auditor tested 35 cases and noted the following errors.

Court Appointed Attorney Fees

- In one case, the Clerk did not properly bill the locality for the court appointed attorney fees involving local cases as required by Section 19.2-163 of the Code of Virginia. Instead, the Clerk incorrectly billed the Commonwealth, which paid \$120.

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- In one case, the Clerk failed to follow requirements of Section 16.1-267 of the Code of Virginia by erroneously assessing a juvenile for a court-appointed attorney fee totaling \$120.

Collection of Fines

- In one case involving a state violation, the Clerk did not properly assess the fine to the Commonwealth as required by Section 19.2-340 of the Code of Virginia. Instead, the Clerk assessed the fine as local resulting in a loss of revenue to the Commonwealth of \$100.
- In five cases the Clerk did not properly assess and collect the Time to Pay fee per section 19.2-354 of the Code of Virginia. The Time to Pay fee was assessed twice, resulting in a \$50.00 overcharge to the defendants.

Transfer of Cases

- For five cases transferred to the Circuit Court, the Clerk did not retain the signed Circuit Court Case Transmittal and Fees Remittance Sheet (DC-25) as required.

Data Entry

- In one case, the Clerk incorrectly assessed a petition fee to the bad check fee, in the amount of \$25.

We recommend the Clerk research all similar cases, make the appropriate corrections to case paperwork, and where appropriate, bill the localities for the applicable court-appointed attorney fees and reimburse the Commonwealth. Additionally, the Clerk should ensure that data entered into the system is accurate, and that all cases transferred are appropriately accounted for by the Circuit Court.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK:alh

cc: The Honorable Roger L. Morton, Judge
The Honorable Edward D. Berry, Judge
The Honorable, Judge
Cindy Cornwell, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia

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