

**GARY M. WILLIAMS
CLERK OF THE CIRCUIT COURT
FOR THE
COUNTY OF SUSSEX**

**REPORT ON AUDIT
FOR THE PERIOD
OCTOBER 1, 2008 THROUGH DECEMBER 31, 2009**



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Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

June 7, 2010

The Honorable Gary M. Williams
Clerk of the Circuit Court
County of Sussex

Board of Supervisors
County of Sussex

Audit Period: October 1, 2008 through December 31, 2009
Court System: County of Sussex

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court for this Court System and for the period noted above. 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.

Management's Responsibility

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. Deficiencies in internal controls could possibly lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.

We noted matters involving internal control and its operation necessary to bring to management's attention. These matters are discussed in the section titled Comments to Management. Any response and written corrective action plan to remediate these matters provided by the Clerk are included as an enclosure to this report.

The Clerk has taken adequate corrective action with respect to the internal control finding reported in the prior year that is not repeated in this letter.

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 W. Allan Sharrett, Chief Judge
Mary E. Jones, 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

COMMENTS TO MANAGEMENT

We noted the following matters involving internal control and its operation that has led or could lead to the loss of revenues, assets, or otherwise compromise the Clerk's fiscal accountability.

Properly Monitor and Disburse Funds

The Clerk continues to improperly hold criminal and civil bonds and restitution funds totaling \$7,716 for up to two years, rather than apply these monies to the appropriate fines, costs, or to the victim. The Clerk should establish a policy for monitoring and disbursing liabilities on a continuous basis. When the Clerk cannot locate the owners of the funds, he should remit the amounts to the State Treasurer as unclaimed property according to Section 55-210.12 of the Code of Virginia.

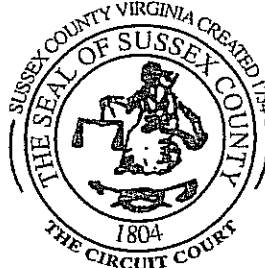
Request Tax Set Off Refunds

The Clerk failed to collect potentially \$84 of state funds, because he did not request the Department of Taxation set off refunds for individuals against the amount owed for delinquent fines and court costs as required by Section 58.1-524 (A) of the Code of Virginia. In the future, the Clerk should immediately ensure he promptly responds to tax set off refunds held by the Department of Taxation.

CLERK'S OFFICE
Circuit Court of Sussex County

15088 COURTHOUSE ROAD
P.O. Box 1337
SUSSEX, VIRGINIA 23884
(434) 246-1012

SIXTH JUDICIAL CIRCUIT
SAMUEL E. CAMPBELL, JUDGE
W. ALLAN SHARRETT, JUDGE



GARY M. WILLIAMS, CLERK
CAROLYN P. MATTHEWS, DEPUTY CLERK
SANDRA J. BLUNT, DEPUTY CLERK

30 April 2010

Ms. Tracy Vaughan
Judicial Systems Audit Senior Specialist
Southside Team Leader
P. O. Box 1295
Richmond, Virginia 23218

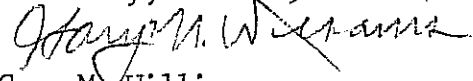
IN RE: Audit of Clerk of the Circuit Court, 10/1/2008-12/31/2009

Dear Ms. Vaughan:

Pursuant to your communication of 21 April 2010 regarding the billing and collection of local court-appointed attorney fees, I can advise you that since the audit I have reviewed the four cases in which the Commonwealth paid such fees that should have been assessed against the Town of Waverly or the County of Sussex. First, I have separated the attorney fees due to be paid by the locality and state where there have been multiple cases for the same defendant. It has long been our practice to lump all the attorney fees owed by the defendant on the first case, rather than have them broken down. By entering these fees case by case, it should be easier to catch those exclusively related to town or county enforcement that are not felonies. It is my decision now, although I have updated the four cases (Samuel Spencer, # CR08-258 & CR08-259- county; Glenn Chapman, # CR09-293 - town; and James D. Parham, # CR09-233 - town) to note the errors, to leave the code accounts under 120, rather than change them to 217 or 261, in order that the Commonwealth will be reimbursed when these cases are paid. There have been payments for two of the defendants. In the event the Commonwealth's expenses are not eventually reimbursed, perhaps a journal voucher will accomplish this. In the future, we intend to be more observant regarding the appeal of town and county criminal cases, and when the court-appointed attorneys submit their vouchers, we will have to delete any cases strictly local and tell them to provide a separate voucher for the county or town.

As for the \$84 overlooked as a state income tax refund to be applied to a defendant's account with us, we will endeavor to prevent this from happening again by being more focused on our set off debt accounts.

Sincerely,


Gary M. Williams
Clerk