

**THE CLERK OF THE
GENERAL DISTRICT COURT
FOR THE
COUNTY OF SMYTH**

**REPORT ON AUDIT
FOR THE PERIOD
APRIL 1, 2007 THROUGH DECEMBER 31, 2008**





Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

February 12, 2009

The Honorable Sage B. Johnson
Chief Judge
County of Smyth General District Court
191 East Main Street
Abingdon, VA 24210

Audit Period: April 1, 2007 through December 31, 2008
Court System: County of Smyth

We have audited the cash receipts and disbursements of the Clerk of the General District Court for this locality. 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.

Financial Matters

We noted no instances of improper recording and reporting of financial transactions in the Court's financial management system.

Internal Controls

We noted no matters involving internal control and its operation necessary to bring to Court management's attention.

Compliance

The results of our tests of compliance with applicable laws and regulations disclosed instances of noncompliance in the Court that are required to be reported.

We acknowledge the cooperation extended to us by the Court during this engagement. The issues identified above are discussed in the section titled Comments to Management.

AUDITOR OF PUBLIC ACCOUNTS

WJK:kmk

cc: The Honorable Joseph S. Tate, Judge
Heidi Z. Campbell, Clerk
Paul DeLosh, Director of Judicial Services
Supreme Court of Virginia

COMMENTS TO MANAGEMENT

Compliance

The results of our tests of compliance with applicable laws and regulations disclosed the following instances of the Clerk's noncompliance.

Properly Certify Court Costs to Circuit Court

The clerk does not properly certify and report court costs to the circuit court on appealed cases as required by 19.2-335 of the Code of Virginia. Because the clerk did not report the right amount of court costs the Commonwealth lost revenues in excess of \$600 in the ten cases tested. We recommend the clerk assess fees and costs in accordance with the Code of Virginia.

Properly Assess Fines and Costs

The clerk does not properly assess and collect fines and court appointed attorney fees involving local and state charges as required by Section 19.2-163 of the Code of Virginia. Auditor tested 20 cases and noted the following errors.

- Three cases incorrectly identified charges against the defendant as a local violation rather than state resulting in a loss of revenue to the Commonwealth totaling \$700.
- Three cases clerk did not properly bill the locality for the court appointed attorneys fees, involving in a local case. Instead the Clerk billed the Commonwealth incorrectly, which paid \$360.

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 work with the Office of the Executive Secretary to receive training in these billing practices.