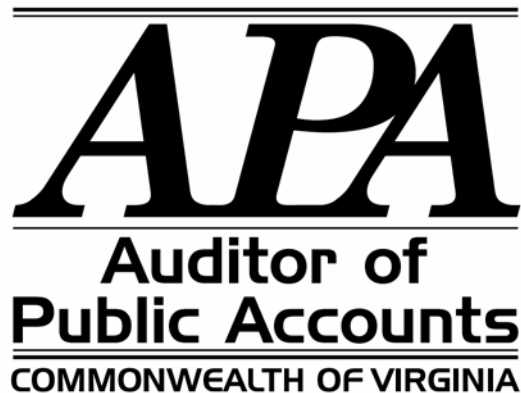


**REPORT ON
CLERK OF THE CIRCUIT COURT
of the
COUNTY OF GREENE, VIRGINIA
MARIE C. DURRER**

**FOR THE PERIOD
JANUARY 1, 2003 THROUGH DECEMBER 31, 2004**



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Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

March 24, 2005

Marie C. Durrer
Clerk of the Circuit Court
County of Greene

Board of Supervisors
County of Greene

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of the County of Greene for the period January 1, 2003 through December 31, 2004.

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 a certain matter involving internal control and its operation that we consider to be a reportable condition. 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 condition is discussed in the section titled "Internal Control and Compliance Findings and Auditor's Recommendations."

We do not believe this condition is a material weakness. 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 on March 24, 2005 and we acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:cam

cc: The Honorable Daniel R. Bouton, Chief Judge
Julius L. Morris, County Administrator
Bruce Haynes, Executive Secretary
Compensation Board
Paul Delosh, Director of Technical Assistance
Supreme Court of Virginia
Martin Watts, Court Analyst
Supreme Court of Virginia
Director, Admin and Public Records
Department of Accounts

INTERNAL CONTROL AND COMPLIANCE FINDINGS AND AUDITOR RECOMMENDATIONS

Improve Receivables Management

The Clerk should follow the procedures for establishing, monitoring, and collecting the Court's receivables. We found the following conditions:

- As noted in the previous audit, the Clerk does not promptly establish criminal receivable accounts on the Court's automated accounting system immediately after the final disposition of the case. In 17 of 35 unpaid cases tested, the Clerk failed to establish the receivable for up to 56 days after the final disposition.
- The Clerk does not properly document due dates in the system as required by the Code of Virginia, Section 19.2-354. We noted six unpaid cases tested that had incorrect due dates. All fines and costs are payable immediately upon final disposition unless otherwise ordered by the Court or evidenced by a written payment plan or court order.

Proper management of accounts receivable greatly enhances the collection of fines and costs. The Clerk should immediately strengthen procedures to ensure that receivables are properly established, monitored and collected.

JUDGE PAUL M. PEATROSS, JR.
16TH JUDICIAL CIRCUIT
P.O. BOX 1651
CHARLOTTESVILLE, VA 22901

JUDGE TIMOTHY K. SANNER
16TH JUDICIAL CIRCUIT
P.O. BOX 799
LOUISA, VA 23093

JUDGE JOHN CULLEN
16TH JUDICIAL CIRCUIT
135 WEST CAMERON
CULPEPER, VA 22701



JUDGE EDWARD L. HOGSHIRE
16TH JUDICIAL CIRCUIT
315 E. HIGH STREET
CHARLOTTESVILLE, VA 22901

JUDGE DANIEL R. BOUTON
16TH JUDICIAL CIRCUIT
P.O. BOX 368
STANARDSVILLE, VA 22973

MARIE C. DURRER

Clerk's Office, Circuit Court

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April 4, 2005

Marsha Tedesco, Audit Manager
Auditor of Public Accounts
Commonwealth of Virginia
P O Box 1295
Richmond, Virginia 23218

Dear Ms. Tedesco:

This is in reply to your March 24, 2005 memo to myself. As to establishing a criminal receivable account on timely basis: I was told by the auditor, Linda Gray by a phone call received from her shortly after she finished her audit work in the office, it should have been 17 out of 35 rather than 20. Up until that time I was waiting to get all costs and fines before entering into the system. Approximately 90-95% of our criminal defendants have court appointed attorneys and don't turn there time sheets in on time. I do not have a judge in Greene County everyday to sign the vouchers. I felt it was better to hold until all costs and fines were put on at one time rather than piece meal.

I have changed the policy and set up partial costs and fines if that is the case as soon as possible. It is within a couple of days, depending upon court schedule et al., but is done as quickly as possible. The deputy who does the entry has other duties as well was entry. We are a large office but small staff; it is myself and as of last September 3 full time deputies.

As to due dates for unpaid costs and fines: 95% of our cases the defendant is to pay fines and costs before release from supervised probation, we are not going to lose them in the system. The same deputy who enters costs also entered this information. She does all the work on the case after it has been set up as a file, except go to court and receipt.

APR 5 '05 AM 11:00

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We are all trying to improve, however, you have to realize Greene County is one of the fastest growing counties in the state and criminal work is not the only thing that is done in this office and other offices and I know you realize this. Considering all the responsibilities of this office I believe we do quite well and will continue to improve the quality of work. Until more money is either given by the state or locality to hire more employees, there will be errors made. Ideally it would be great to have enough staff to do just two jobs each. I assess what is most important and work from there and thankful I don't have boxes of deeds not recorded.

I realized this is my problem and not my deputies, but we all have to work together as a team to make the office run smoothly and productively. We will continue to strive to follow the law to the letter as best we can and on time.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie C. Durrer, Clerk". The signature is written in dark ink and is positioned above the typed name.

Marie C. Durrer, Clerk