



Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

March 1, 2010

The Honorable Robert H. Downer, Jr.
Chief Judge
County of Albemarle General District Court
606 East Market Street
P.O. Box 2677
Charlottesville, VA 22902

Audit Period: July 1, 2008 through June 30, 2009
Court System: County of Albemarle
Judicial District: Sixteenth

We are performing a statewide audit of the 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 Recording Information in the Accounting System

The Clerk does not properly enter fines and costs in the court's automated financial accounting system. We noted errors in 15 of 60 cases tested.

- In one case involving a state violation, the Clerk did not properly enter the fine in FMS as required by Section 19.2-340 of the Code of Virginia. Instead, the Clerk entered the fine as local resulting in a loss of revenue to the Commonwealth totaling \$50.
- In one case, the Clerk entered the time to pay as 24 years for a balance of \$91 resulting in appropriate collection actions not being taken.

- In seven cases, the Clerk failed to bill the locality \$740 for court appointed attorney fees. In three of these cases, the defendants were not charged \$360 for public defender fees; and in four of these cases, billing was not performed and \$480 was entered as a Commonwealth charge when it should have been a locality charge.
- In six cases, the Clerk incorrectly entered \$387 into incorrect account codes.

The Clerk should review with the deputies the process for entering information into the accounting system to help them improve their accuracy. If one of the employees has problems with data entry, the Clerk should make sure after receiving training that accuracy is part of the individual's performance evaluation.

Properly Maintain Court Records and Submit Appropriate Amounts for Payment

The Clerk did not properly maintain or appropriately submit the List of Allowances; Application and Authorization for Waiver Fee Cap and Timesheets; and Circuit Court Case Transmittal and Fees Remittance Form for 19 cases submitted for payment to the Office of Executive Secretary.

- On two cases, the Clerk did not maintain the Application and Authorization for Waiver Fee Cap and Timesheets totaling \$675, which we could not verify.
- On twelve cases, the Clerk did not maintain the List of Allowances submitted by Attorneys for payment totaling \$2,771, which we could not verify.
- On two cases the Clerk certified a List of Allowances totaling \$134 more than the requested amount submitted by an attorney. The Office of Executive Secretary caught one of the error; therefore only overpaying \$4.

Properly maintained records are the source of information to verify that the court made appropriate payments. Therefore, it is essential that the court maintain these records.

Request Tax Set Off Refunds

The Clerk did not request a tax set off refund for an individual that owe delinquent court costs and fines as required by section 58.1-524 (A) of the Code of Virginia. This resulted in a loss of \$126 of funds. 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.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable William G. Barkley, Judge
Phyllis L. Stewart, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia