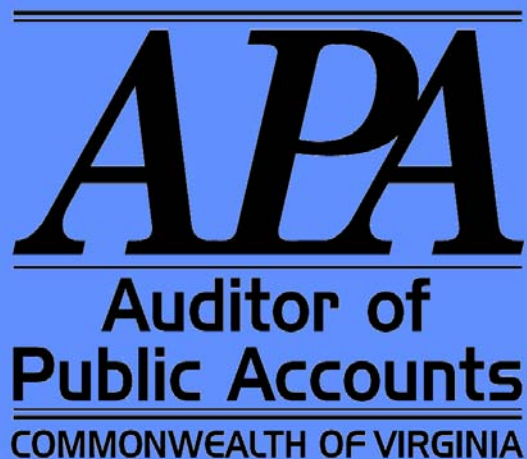


**CLERK OF THE  
COMBINED GENERAL DISTRICT COURT  
OF THE  
CITY OF SALEM**

**REPORT ON AUDIT  
FOR THE PERIOD  
OCTOBER 1, 2007 THROUGH MARCH 31, 2009**





# Commonwealth of Virginia

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

**Walter J. Kucharski, Auditor**

May 20, 2009

The Honorable Jacqueline F. Ward Talevi  
Chief Judge  
City of Salem  
General District Court  
305 East Main Street  
Salem, VA 24153

The Honorable Joseph M. Clarke, II  
Chief Judge  
City of Salem Juvenile and  
Domestic Relations District Court  
315 West Church Avenue, First Floor  
Roanoke, VA 24005-0986

Audit Period: October 1, 2007 through March 31, 2009  
Court System: City of Salem

We have audited the cash receipts and disbursements of the Clerk of the Combined 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 Vincent A. Lilley, Judge  
The Honorable Philip Trompeter, Judge  
Carolyn W. Robbins, 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 Assess Fines and Costs

The clerk is not properly assessing and collecting 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.

- In four cases, the court did not properly bill the Commonwealth for the court appointed attorneys fees, involving a state case. The clerk erroneously billed the locality totaling \$480.
- In four cases, the clerk incorrectly identified charges against the defendant as a state violation rather than local resulting in a loss of revenue to the locality totaling \$480.
- In three cases, the clerk incorrectly identified charges against the defendant as a local violation rather than state resulting in a loss of revenue to the Commonwealth totaling \$360.
- In three cases, the clerk did not properly bill the locality for the court appointed attorneys fees, involving a local case. The clerk erroneously billed the Commonwealth which paid \$360.
- In three cases, the clerk miscoded the payment of unpaid fines and costs causing the wrong entity to receive the collection.
- In one case, the clerk erroneously charged a defendant \$120 in court appointed attorney fees.
- In one case, the clerk did not properly bill the locality for the court appointed attorney fee, totaling \$133.
- In one case, the clerk erroneously under charged a defendant by \$13 for court appointed attorney fees.

We recommend the clerk research all similar cases, make the appropriate corrections to case paperwork, and where appropriate, bill the locality 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.