



**M. WAYNE WINEBRINER
CLERK OF THE CIRCUIT COURT
FOR THE
COUNTY OF BATH**

**REPORT ON AUDIT
FOR THE PERIOD
APRIL 1, 2011 THROUGH MARCH 31, 2013**

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.

Report Unclaimed Property

As noted in the prior year audit, the Clerk did not remit unclaimed property to the State Treasurer. Once due diligence procedures have failed to locate the recipient of such property, the Clerk should remit the funds to the State Treasurer as required by the Code of Virginia.

Properly Collect Taxes on Wills and Administrations

In two of 15 estates tested, the Clerk did not bill for additional state probate taxes after receiving the inventories. The Clerk should bill the two estates noted during our audit for taxes due and ensure that additional probate taxes are being assessed in accordance with the Code of Virginia.

Properly Bill and Collect Court Costs

The Clerk and his staff did not properly bill and collect court costs. We tested 21 cases and noted the following errors.

- In two cases, the Clerk did not bill defendants for costs totaling \$326.
- In one case, the Clerk overcharged the defendant by \$61.
- In one case, the Clerk classified the DNA fee as local rather than state.

The Clerk and his staff should correct the specific cases noted above and institute a system of review to help eliminate these types of errors. Further, the Clerk should bill and collect court costs in accordance with the Code of Virginia.

-TABLE OF CONTENTS-

	<u>Pages</u>
COMMENTS TO MANAGEMENT	
AUDIT LETTER	1
CLERK'S RESPONSE AND CORRECTIVE ACTION PLAN	2-3



Commonwealth of Virginia

Auditor of Public Accounts

Martha S. Mavredes, CPA
Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

July 22, 2013

The Honorable M. Wayne Winebriner
Clerk of the Circuit Court
County of Bath

Bruce W. McWilliams, Board Chairman
County of Bath

Audit Period: April 1, 2011 through March 31, 2013
Court System: County of Bath

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

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

MSM:ljh

cc: The Honorable Malfourd W. Trumbo, Chief Judge
Janet Bryan, Interim 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

OFFICE OF THE CLERK
M. WAYNE WINEBRINER
BATH COUNTY CIRCUIT COURT
PO BOX 180
WARM SPRINGS, VA 24484

AUG 5 2013 AM 11:05

July 31, 2013

Ms. Martha S. Mavredes, CPA
Auditor of Public Accounts
P. O. Box 1295
Richmond, Virginia 23218-1295

Dear Ms. Mavredes:

After receiving the audit report from Louise Bledsoe and Brenda Watkins, I requested to discuss the issues with Randall Johnson. I do appreciate having the opportunity of talking with him before he submitted his report. He seemed to be genuinely concerned regarding the issues the auditor had reported.

REPORT UNCLAIMED PROPERTY

I realize that in the previous audit, it was pointed out that I had not remitted unclaimed property to the State Treasurer. During this audit the report was run and the journal entries were made but we failed to remit a check to the State Treasurer. We referred to the FMS manual on page 6-22 but in error did not complete the process. The proper amount has been remitted to the State Treasurer and we will continue to monitor this in the future so this will not happen again.

PROPERLY COLLECT TAXES ON WILLS AND ADMINISTRATIONS

I am responsible for the initial probating of all wills. As is required, the executor/administrator is charged state and local probate tax according to the total of personal property and real estate of the deceased. When the inventories are returned to our office from the Commissioner of Accounts, we do bill for additional probate taxes as in the Code of Virginia. The two cases cited in the report failed to

be returned to our office in a timely manner due to the death of the secretary of the Commissioner of Accounts. Inventories were held up until a new secretary could be trained, and we just missed these two additional billings. We have billed both cases and have received payments. In the future, we will be more careful to check each inventory when it is returned to this office from the Commissioner of Accounts.

PROPERLY BILL AND COLLECT COURT COSTS


In the two cases which the defendants were not billed correctly for court costs, the costs have been added to each of the defendants, and corrected bills have been mailed to them.

In the case that the defendant was over-charged was an appeal from the district court. The \$61.00 fee from the district court was charged in error twice to the defendant. The mistake has been corrected.

In the case which classified the DNA fee as local rather than state was simply an entry error. I know that half goes to the state and half goes to local.

My office has a total of three employees including myself. There are times when we are extremely busy, and that is when errors are made. I know that this is not a proper excuse, but I truly believe this is the truth. Larger courts have the ability to have a person do one function in the office. Each of us have to be able to help everyone who comes into our office. I do apologize for the errors that were found during the audit, and we will strive to improve.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Wayne Winebriner".

M. Wayne Winebriner
Clerk