



CATHY M. COSBY
CLERK OF THE CIRCUIT COURT
FOR THE
COUNTY OF HALIFAX

FOR THE PERIOD
APRIL 1, 2020 THROUGH SEPTEMBER 30, 2021

Auditor of Public Accounts
Staci A. Henshaw, CPA

www.apa.virginia.gov

(804) 225-3350



COMMENTS TO MANAGEMENT

We noted the following matter involving internal control and its operation that has led or could lead to noncompliance with laws and regulations, the loss of assets or revenues, or otherwise compromise the Clerk's fiscal accountability.

Properly Bill and Collect Court Fines and Costs

Repeat: No

The Clerk and her staff did not properly bill and collect court fines and costs. In ten of 49 cases tested (20%), we noted the following errors.

- The Clerk did not charge defendants in seven cases for a total of \$2,119 in fines and costs.
- In four cases, the Clerk overcharged defendants by a total of \$375.
- For two local cases, the Clerk miscoded in the financial system attorney fees totaling \$121 as Commonwealth instead of local and submitted the attorney's invoice for one case to the Commonwealth for payment instead of the locality.

The Clerk and her staff should correct the specific cases noted above and institute a more diligent system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should bill and collect court costs in accordance with the Code of Virginia.

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Staci A. Henshaw, CPA
Auditor of Public Accounts

Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

March 2, 2022

The Honorable Cathy Cosby
Clerk of the Circuit Court
County of Halifax

Calvin Short, Board Chairman
County of Halifax

Audit Period: April 1, 2020, to September 30, 2021
Court System: County of Halifax

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of this locality 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 lead to noncompliance with laws and regulations, the loss of assets or revenues, or otherwise compromise the Clerk's fiscal accountability.

We noted a matter involving internal control and its operation necessary to bring to management's attention. The matter is discussed in the section titled Comments to Management. Any response and written corrective action plan to remediate this matter 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 Clerk and her staff during this engagement.

Staci A. Henshaw
AUDITOR OF PUBLIC ACCOUNTS

SAH:vks

cc: The Honorable Kimberley S. White, Chief Judge
Scott R. Simpson, County Administrator
Robyn M. de Socio, Executive Secretary
Compensation Board
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia



CLERK'S OFFICE

Circuit Court of Halifax County

KIMBERLEY S. WHITE, CHIEF JUDGE

S. ANDERSON NELSON, JUDGE

J. WILLIAM WATSON, JR., JUDGE

CATHY M. COSBY, CLERK

JILL L. THROCKMORTON, CHIEF DEPUTY

P. O. BOX 729 • HALIFAX, VIRGINIA 24558
(434) 476-6211 • FAX (434) 476-2890

March 31, 2022

Staci A. Henshaw, Auditor of Public Accounts

Stephanie.serbia@apa.virginia.gov

Dear Ms. Henshaw:

Re: Audit Period: April 1, 2020 to September 30, 2021

I would first like to thank Ms. Lindsey Tatum for her courtesy in conducting our most recent audit. I welcome this process as an opportunity for my office to improve in all areas. The following are my responses to this finding and my corrective action plan.

■ Properly bill and collect fines and costs

Defendants not being charged a total of \$2,119.00 were the result of procedural errors when entering costs and LOA fees on cases transferred from General District Court and Juvenile Court along with misinterpretation of jail fees for an active or inactive sentence.

Defendants being overcharged by a total of \$375 were again the result of misinterpretation of jail fees for an active or inactive sentence along with a misinterpretation of how to assess DNA fees.

The incorrect account code was also the result of a procedural error when entering costs and LOA fees on cases transferred from General District; and the result of an individual with 5 cases (4 were Commonwealth fines and 1 Locality – the locality being miscoded)

■ Corrective action plan

We have already implemented a check and balance system for entering all fines, court costs and restitution. Each entry will be checked by a different Deputy Clerk. Also, we will check each day the financial reports, especially "New Account Listing Report", "CR32 Cases Concluded Report" and use the form "Assessment sheet for fines/costs/fees". A Deputy Clerk just this week attended an Advanced Class at the Supreme Court of Virginia on assessing fines and costs and we will continue to do this and take any refresher courses available.

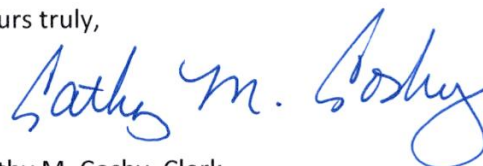
The above cases have been corrected and we have created a better system for staff to catch errors in a timely manner. Most of these cases are not paid; therefore, the losses to the Commonwealth or to the defendants are minimal. Assessing criminal fines and costs is the most difficult task in this office. Each case is different and there are numerous guidelines to follow. It takes a tremendous amount of time to train someone for this task.

In an office with over 800 duties, it is virtually impossible to not have human errors. All employees have a significant workload and this office processes thousands of transactions. In all other areas of my office – bank reconciliations, trust funds, deed calculations, criminal and civil bonds, probate, criminal and civil procedure, marriages, deposits, disbursement of funds and all other financial duties – no exceptions were found nor brought to my attention by the auditor.

Also, 2020 and 2021 were challenging years with the COVID-19 pandemic. I would have appreciated the Auditor taking into consideration all the stress, delays, restrictions, and adjustments during this time. Despite all of this, I am proud to say my staff simply came to work each day and served the community. We did not have the ability to work from home and our office was never closed, as we are here to serve the public in person. We also moved our entire office from our temporary location to our permanent location in March 2021, a tremendous task. Let me also add, we had several employee vacancies during this time, requiring a lot of time spent training and adjusting workloads.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,



Cathy M. Cosby, Clerk

CMC