



# Commonwealth of Virginia

## *Auditor of Public Accounts*

Walter J. Kucharski  
Auditor of Public Accounts

P.O. Box 1295  
Richmond, Virginia 23218

December 6, 2011

The Honorable Gino W. Williams  
Chief Judge  
County of Montgomery General District Court  
1 East Main Street, Suite 201  
Christiansburg, VA 24073

Audit Period: July 1, 2010 through June 30, 2011  
Court System: County of Montgomery  
Judicial District: Twenty-seventh

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:

### Request Tax Set-Off Refunds

For the third consecutive audit, the Clerk did not request the Virginia Department of Taxation (TAX) hold tax set off refunds totaling \$996 for individuals that owe delinquent court costs and fines, resulting in a loss of revenue to the Commonwealth and locality. A court must request tax refunds through TAX's automated accounting system called the Integrated Revenue Management System. The Clerk should request tax set off refunds to maximize collections as required by the Code of Virginia.

### Properly Bill and Collect Court Costs

The Clerk and her staff did not properly bill and collect court costs and fines. In eight of 30 cases tested, the auditor noted the following errors.

- In four local cases, the Clerk did not properly bill the locality for the court-appointed attorney fees, but billed the state incorrectly, which paid \$480. Additionally, the Clerk miscoded the court-appointed attorney fees of \$480 as state court-appointed attorney fees instead of local court-appointed attorney fees.
- In one case, the Clerk erroneously identified a fine of \$300 as a local violation rather than a state violation. In this same case, the Clerk incorrectly classified the case a local charge rather than a state charge in the court's automated information system.

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- In one case, the Clerk erroneously billed a defendant for court-appointed attorney fees of \$120.
- In one case, the Clerk did not certify the court costs of the proceedings to the Circuit Court Clerk.
- The Clerk could not locate one case for us to review.

The Clerk should correct these specific cases noted above. The Clerk should work with her staff to ensure they understand the billing and collecting requirements when the court hears cases involving court-appointed attorneys and, if necessary, request additional training from the Office of the Executive Secretary of the Supreme Court of Virginia.

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

AUDITOR OF PUBLIC ACCOUNTS

WJK: alh

cc: The Honorable Randal Duncan, Judge  
Kimberly W. McKittrick, Clerk  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia