



SAMUEL H. COOPER  
CLERK OF THE CIRCUIT COURT  
FOR THE  
COUNTY OF ACCOMACK

FOR THE PERIOD  
JULY 1, 2020 THROUGH DECEMBER 31, 2021

Auditor of Public Accounts  
Staci A. Henshaw, CPA

[www.apa.virginia.gov](http://www.apa.virginia.gov)

(804) 225-3350



## COMMENTS TO MANAGEMENT

With over 800 duties assigned to the role by the Code of Virginia, the Clerk of the Circuit Court has many important responsibilities. Thus, it is critical for the Clerk to provide the proper oversight and training for staff and to exhibit the appropriate tone at the top related to the importance of internal controls over the court's operations, which we found to be inadequate during this audit. We noted numerous deficiencies involving internal control and its operation across multiple areas that have 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:** Yes (first issued in 2010 as Properly Record Criminal Costs)

The Clerk does not properly bill and collect court fines and costs and has not provided sufficient training to staff responsible for fine and cost assessment and collection. During our audit, we noted the Clerk and his staff made errors in 47 percent of the cases tested, which included jurisdiction misclassifications, incorrect fine and attorney fee assessments, fees not charged for appealed cases, and psychological evaluation fees not assessed. These errors resulted in Commonwealth revenue losses of \$9,704 and the Clerk overcharging defendants by a total of \$4,700.

The Clerk should correct the specific cases noted during the audit, ensure his staff is properly trained on the guidelines and procedures for the billing and collection of court fines and costs, and institute a 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.

### **Participate in the Tax Set-Off Debt Collection Program**

**Repeat:** Yes (first issued in 2018)

Neither the Clerk nor any member of his staff have completed the required training to participate in the Virginia Department of Taxation's Set-Off Debt Collection Program. Section 58.1-521 of the Code of Virginia directs that all state agencies and institutions participate in the debt set-off collection program. The Clerk should ensure someone completes the required training to be able to use the tax refund set-off process to maximize collections as required by the Code of Virginia.

### **Reconcile Bank Accounts**

**Repeat:** Yes (first issued 2015)

The Clerk has not reconciled his operating account in several years. In addition, the total of the individual investment account balances in the Clerk's automated financial system does not agree to the aggregate balance reported on the savings account bank statement. Timely and complete reconciliations are an essential internal control. Allowing reconciling items to go unresolved can lead to errors and irregularities going undetected and can increase the risk of loss of funds. The Clerk should immediately reconcile his accounts and, going forward, should reconcile the bank accounts upon receipt of the bank statements and record corrections and adjustments to the financial system timely.

**Invest Trust Funds Timely**

**Repeat:** Yes (first issued in 2020 as Improve Financial Management)

The Clerk did not invest one trust account within 60 days as required by § 8.01-600 of the Code of Virginia, and the account remains uninvested after 22 months. The Clerk is personally responsible for the lost interest revenue and should work with the bank to determine the amount. The Clerk should immediately deposit the trust fund and deposit his personal funds to compensate for the lost interest to this account as soon as possible. Going forward, the Clerk should invest all trust funds timely in accordance with the Code of Virginia.

**Monitor and Disburse Liabilities**

**Repeat:** Yes (first issued in 2016 as Monitor and Disburse Restitution)

The Clerk does not adequately monitor and disburse liabilities. On June 30, 2021, the Clerk was holding a total of \$113,859 related to inactive accounts dating as far back as 1998. Our audit identified 16 additional accounts the Clerk should resolve including eight surplus tax accounts totaling \$80,475 that should be remitted to the County of Accomack. The Clerk should review all liability accounts he is currently holding and disburse, escheat, or otherwise resolve the accounts as appropriate. Going forward, the Clerk should monitor and disburse liabilities monthly as recommended by the Financial Accounting System User's Guide.

**Update Individual Receivable Accounts Status**

**Repeat:** No

The Clerk and his staff do not monitor and correct accounts listed on the Individual Account Status Report. Currently, there are ten credit balance accounts dating back to 2012 and more than 50 payable accounts, including bonds and refunds. Additionally, there are 21 cases listed as 'appealed' and 86 cases listed as 'under review' for which no collection efforts are in place. Some of the appealed cases date back to 1997 and the cases 'under review' date back to 2017. The Clerk should review the accounts on this report and take appropriate action on each one.

**Properly Manage Access Security**

**Repeat:** No

The Clerk did not retain security access reports for the court's financial accounting and case management systems. These reports identify all authorized users of the automated systems and their access levels. The Clerk should review the report semi-annually, document the review, and present the report for audit. Although the Clerk produced a current report for audit, there was no evidence that the Clerk reviewed the access report during the audit period. In addition, the Clerk did not delete system access timely for an employee who retired during the audit period. The Clerk should review the access reports semi-annually, keep copies for the audit, and request the deletion of system access for former employees timely.

**Review Daily Financial Reports****Repeat:** Yes (first issued in 2017)

The Clerk does not consistently review the daily financial reports, which summarize all accounting transactions made each day. A deputy clerk prepares the daily financial reports for collections and deposits, which the Clerk occasionally reviews. However, it is clear the Clerk does not review other reports since we noted defendant accounts needing corrective action have remained on the reports for several years and ledger imbalance 'warnings' existed during the audit period. Currently a liability sub ledger does not reconcile to the general ledger, with a difference of \$154,127. Proper review of financial reports would have identified these conditions and the fact that the Clerk collected e-summons fees of \$375 for which he has no statutory authority. The Clerk should review all financial reports daily and consider training additional staff to assist him with this task.

**Retain Voided Receipts****Repeat:** No

For seven of 12 voided receipts tested (58%), the Clerk did not retain all copies of the receipts. Voided transactions pose an increased risk for fraudulent activity and, as such, must be monitored and controlled closely. The Clerk should not void receipts without maintaining all copies of the receipt. Additionally, the Clerk should ensure staff are properly trained to perform appropriate journal entries rather than unnecessarily voiding receipts.

## -TABLE OF CONTENTS-

### Pages

COMMENTS TO MANAGEMENT

AUDIT LETTER

1-2

CLERK'S RESPONSE AND CORRECTIVE ACTION PLAN

3-4



Staci A. Henshaw, CPA  
Auditor of Public Accounts

# Commonwealth of Virginia

## Auditor of Public Accounts

P.O. Box 1295  
Richmond, Virginia 23218

May 20, 2022

The Honorable Samuel H. Cooper  
Clerk of the Circuit Court  
County of Accomack

William J. Tarr, Board Chairman  
County of Accomack

Audit Period: July 1, 2020 through December 31, 2021  
Court System: County of Accomack

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 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.

The Clerk has taken adequate corrective action with respect to the internal control findings reported in the prior report that are not repeated in this report.

We discussed these comments with the Clerk, and we acknowledge the cooperation extended to us by the Clerk and his staff during this engagement.

Staci A. Henshaw  
AUDITOR OF PUBLIC ACCOUNTS

LJH:vks

cc: The Honorable Leslie L. Lilley, Chief Judge  
Michael T. Mason, CPA, County Administrator  
Robyn M. de Socio, Executive Secretary  
Compensation Board  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia

*Commonwealth of Virginia*

*Samuel H. Cooper, Jr.*  
*Clerk*



*Carella J. Duncan*  
*Aristeydi J. Rodriguez*  
*Sherry W. Mayes*  
*Jessica M. Pawin*  
*Lisa L. Corbin*  
*Deputies*

*Office Of*  
*Clerk Of The Circuit Court Of Accomack County*  
*P.O. Box 126*  
*Accomac, Virginia 23301*  
*757-787-5776*  
*Fax 757-787-1849*

September 9, 2022

Staci A. Henshaw  
Office of Auditor of Public Accounts  
P.O. Box 1295  
Richmond, VA 23219

Dear Ms. Henshaw:

In response to issues of our most recent audit, we have and will be implementing the following resolutions:

**Properly Bill and Collect Court Fines and Costs**

- Criminal deputy is enrolled in an upcoming fee assessment class through the Supreme Court.

**Participate in the Tax Set-Off Collection Program**

- Deputy has recently completed the training program and is awaiting certification

**Reconcile Bank Accounts**

- Scheduled to be completed by December 2022

**Invest Trust Funds Timely**

- Account has been invested



**Monitor and Disburse Liabilities**

- Will begin review process in October 2022

**Update Individual Receivable Accounts Status**

- Currently reviewing the accounts

**Properly Manage Access Security**

- This issue has been addressed

**Review Daily Financial Reports**

- These reports have been and will continue to be reviewed weekly

**Retain Voided Receipts**

- This issue has been discussed with the staff and will be monitored in the future

Sincerely,

A handwritten signature in blue ink, appearing to read "Samuel H. Cooper, Jr.", with a large, stylized initial "S" that loops around the name.

Samuel H. Cooper, Jr., Clerk