

May 31, 2002

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

Board of Supervisors
County of Accomack

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of the County of Accomack for the period April 1, 2001 to March 31, 2002.

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. However, our audit was more limited than would be necessary to provide assurance on the internal controls or on overall compliance with applicable laws, regulations, and policies.

The results of our tests found the Court properly stated, in all material respects, the amounts recorded and reported in the financial management system; and no material weaknesses in the internal controls. However, we noted noncompliance with state laws, regulations, and policies that the Clerk needs to address as described below.

Escheat Unclaimed Property

As noted in our previous two audit reports, the Clerk did not escheat to the Commonwealth over \$95,000 in unclaimed criminal and civil bonds as required by the Code of Virginia, Section 55-210.12. The Clerk could be personally liable for interest and penalties for failing to send eligible property to the Division of Unclaimed Property. Section 55-210.26:1 of the Code of Virginia provides that in addition to any interest assessed, the civil penalty for willfully failing to report or send this money to the state could be \$1,000 a day for every day the payment has been withheld up to a maximum of the lesser of \$50,000 or 100 percent of the value of the property.

Given the potential liability for interest and penalty for failing to comply with the above provisions of the Code of Virginia, the Clerk should immediately send these unclaimed liabilities to the Treasurer of Virginia.

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We discussed these comments with the Clerk on May 31, 2002 and we acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:kva

cc: The Honorable Glen A. Tyler, Chief Judge
R. Keith Bull, County Administrator
Bruce Haynes, Executive Secretary
Compensation Board
Don Lucido, Director of Technical Assistance
Supreme Court of Virginia
Martin Watts, Court Analyst
Supreme Court of Virginia
Paul Delosh, Technical Assistance
Supreme Court of Virginia
Director, Admin and Public Records
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