



KELLY DUFFY  
CLERK OF THE CIRCUIT COURT  
FOR THE  
CITY OF BRISTOL

FOR THE PERIOD  
OCTOBER 1, 2015 THROUGH MARCH 31, 2017

Auditor of Public Accounts  
Martha S. Mavredes, CPA  
[www.apa.virginia.gov](http://www.apa.virginia.gov)  
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## COMMENTS TO MANAGEMENT

We noted the following matter 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.

### **Properly Bill and Collect Court Costs**

The Clerk and her staff did not properly bill and collect court costs. In ten of 34 cases tested, we noted the following errors.

- In six cases, the clerk did not charge defendants a total of \$1,750 in court costs.
- In four cases, the Clerk did not bill the locality for court appointed attorney fees totaling \$796.

The Clerk and her staff should correct the specific cases noted above and should establish 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 Code of Virginia.

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Martha S. Mavredes, CPA  
Auditor of Public Accounts

# Commonwealth of Virginia

## *Auditor of Public Accounts*

P.O. Box 1295  
Richmond, Virginia 23218

May 8, 2017

The Honorable Kelly Duffy  
Clerk of the Circuit Court  
City of Bristol

Bill Hartley, Mayor  
City of Bristol

Audit Period: October 1, 2015 through March 31, 2017  
Court System: City of Bristol

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 possibly lead to the loss of revenues or assets, or otherwise compromise 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 this comment with the Clerk and we acknowledge the cooperation extended to us by the court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

MSM: clj

cc: The Honorable Sage B. Johnson, Chief Judge  
Tabitha Crowder, City Manager  
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

TWENTY-EIGHTH JUDICIAL CIRCUIT COURT VIRGINIA  
CLERK OF CIRCUIT COURT  
CITY OF BRISTOL

Kelly F. Duffy, Clerk  
497 Cumberland Street  
Bristol, VA 24201  
(276) 645-7321  
Fax: (276) 821-6097



Deputy Clerks:  
Donna W. Johnston  
Joan H. Leonard  
Lisa E. Johnson  
Christina D. Hyskell  
Angela D. Ratliff

June 16, 2017

Martha Mavredes, CPA  
Auditor of Public Accounts  
P.O. Box 1295  
Richmond, VA 23218

In RE: Audit Finding

Dear Ms. Mavredes:

Pursuant to the auditor's findings in the Interdepartmental Memorandum dated May 8, 2017, as to the errors in billing and collecting court costs, I would like to respond with this additional information:

Although I now have several years under my belt as Clerk (roughly 3), our Criminal Courtroom Clerk, who began her position in August, 2015, was very new for the specific criminal cases that were looked at in our audit for this year. The Deputy Clerk has since attended several OES classes, including Assessing Fines & Costs. She now understands the mistakes that were specifically addressed in the current audit, and corrections have been made.

Specifically, in addressing the cases in which \$1750 in court costs were not charged to the defendant:

- The previously un-assessed fees have now been assessed, with defendants being notified, in writing, of the change in total amount due to the Court. **There will be no loss to the Commonwealth.**
- Regarding the four cases in which the court appointed attorney fees were erroneously charged to a state code; this has been corrected and an invoice has been sent to the City of Bristol. The Commonwealth of Virginia will be reimbursed by the locality for \$796.00, and **there will be no loss to the Commonwealth.**

The attached sheet shows our plan of action in order to try our hardest to prevent the mistakes from occurring.

Additionally, our City is again in a precarious situation financially and has trimmed the budget. We are **very short staffed** and **do not have the necessary local funding for part-time positions**. Additionally, we have a new employee as of April 10, 2017, and have had to dedicate a great amount of time to training the front office. The City of Bristol is unique in that we are an independent City in a rural setting. We have a heavy Criminal, Civil and Probate docket, and a constant heavy flow of public physically coming into our office, along with phone calls and emails. Our office is over-burdened, under-staffed and

under-funded. Our Criminal Deputy Clerk assessed fines and costs on well over one thousand cases in 2016, in addition to the 600 plus cases assessed for the first half of 2017. The amount of assessed fines and costs that were flagged as erroneous total less than 1% of the total costs assessed on our books.

Both the un-assessed fees and billing error found in our recent audit were able to be immediately corrected.

We enjoy working with our auditors, and feel that we learn more from the auditing process than from much of the training currently offered to us. This office will continue to attend training when it is offered, although it is not offered frequently enough in Wytheville or Southwest Virginia, in my opinion.

Please take our staffing into consideration in your review of our audit. I am confident that this office is capable of correcting our issue of re-checking assessed fines and costs. Furthermore, I am confident that this office now has the experience needed to successfully understand and implement the processes.

Thank you very much for your time and consideration.

Sincerely,

Kelly F. Duffy  
[kduffy@courts.state.va.us](mailto:kduffy@courts.state.va.us)

TWENTY-EIGHTH JUDICIAL CIRCUIT COURT VIRGINIA  
CLERK OF CIRCUIT COURT  
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May 9, 2017

**CORRECTIVE PLAN OF ACTION**

The following is my corrective plan of action as to the audit findings in our office:

1. Utilizing the CR18 Report on a monthly basis to review FAS assessments. Angie Ratliff, our new employee, will be taking over many of our bookkeeping duties. She is now being trained to review the CR18 Report monthly at the same time she reconciles our checking. This revised policy will streamline the process and ensure that the report is reviewed on a timeline regularly.
2. Continuing our training program: Staff will continue to attend SCV/ OES training opportunities in both Wytheville and in Richmond.
3. Continuing to maintain a mid-year interoffice audit. Our fines and costs will be scrutinized at the mid-year point.

Kelly F. Duffy  
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