

**THE CLERK OF THE  
COMBINED GENERAL DISTRICT COURT  
FOR THE  
COUNTY OF LEE**

**REPORT ON AUDIT  
FOR THE PERIOD  
OCTOBER 1, 2007 THROUGH DECEMBER 31, 2008**





# Commonwealth of Virginia

**Walter J. Kucharski, Auditor**

**Auditor of Public Accounts  
P.O. Box 1295  
Richmond, Virginia 23218**

March 5, 2009

The Honorable R. Larry Lewis  
Chief Judge  
County of Lee  
General District Court  
P. O. Box 306  
Jonesville, VA 24263

The Honorable Elizabeth S. Wills  
Chief Judge  
County of Lee Juvenile and  
Domestic Relations District Court  
P. O. Box 2320  
Wise, VA 24293

Audit Period: October 1, 2007 through December 31, 2008  
Court System: County of Lee  
Judicial District: Thirtieth  
Magisterial Region: R 1

We have audited the cash receipts and disbursements of the Clerk of the Combined General District Court and the associated Magistrates for this locality. Our primary objectives for both the Court and the Magistrates were to test the accuracy of financial transactions recorded on the applicable financial management system; evaluate internal controls; and test its compliance with significant state laws, regulations, and policies.

## Management's Responsibility

Court and Magistrate 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.

## Financial Matters

We noted no instances of improper recording and reporting of financial transactions in the Court's financial management system.

Additionally, we noted no instances of improper recording and reporting of financial transactions in the Magistrates' financial management records.

### Internal Controls

We noted no matters involving internal control and its operation necessary to bring to Court management's attention.

As well, we noted no matters involving internal control and its operation necessary to bring to Magistrate management's attention.

### Compliance

The results of our tests of compliance with applicable laws and regulations disclosed instances of noncompliance in the Court that are required to be reported.

In addition, the results of our tests of compliance with applicable laws and regulations disclosed no instances of noncompliance with the Magistrates that are required to be reported.

We acknowledge the cooperation extended to us by the Court and the Chief Magistrate during this engagement. The issues identified above are discussed in the section titled Comments to Management.

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc:     The Honorable Chadwick S. Dotson, Judge  
          The Honorable Jeffrey S. Hamilton, Judge  
          Sammie R. Horton, Clerk  
          William Walman, Regional Magistrate Supervisor  
          Ruth Hale, Chief Magistrate  
          Paul F. DeLosh, Director of Judicial Services  
          Supreme Court of Virginia

## COMMENTS TO MANAGEMENT

### Compliance

The results of our tests of compliance with applicable laws and regulations disclosed the following instances of the Clerk's noncompliance.

### Properly Assess Fines and Costs

The court is not properly assessing and collecting court costs and fines. We found the followings errors for court appointed attorney fees and court fines in our test of 20 criminal and traffic cases.

- In two cases, the court erroneously assessed and a town paid \$240 for court appointed attorney fees on Commonwealth cases.
- In three cases the clerk erroneously assessed and the Commonwealth paid \$360 for court appointed attorney fees on county cases.
- In two cases the clerk erroneously assessed and the Commonwealth paid \$240 for court appointed attorney fees on town cases.
- The Clerk miscoded the payment of unpaid fines and costs in eight cases causing the wrong entity to receive the collection.
- In two cases, the clerk miscoded the collection of fines totaling \$850 as a town collection rather than Commonwealth.

We recommend the court request specific training from the Executive Office of the Supreme Court of Virginia in this area. The court should assess and collect court costs, fines, and fees in accordance with the Code of Virginia.