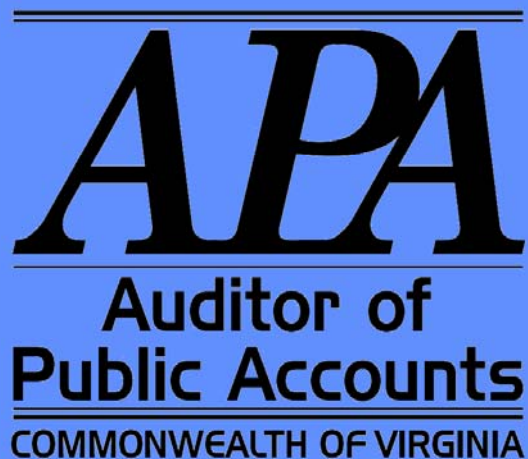


**THE CLERK OF THE
COMBINED GENERAL DISTRICT COURT
FOR THE
COUNTY OF ROCKBRIDGE**

**REPORT ON AUDIT
FOR THE PERIOD
APRIL 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 23, 2009

The Honorable John Gregory Mooney
Chief Judge
County of Rockbridge
General District Court
P.O. Box 139
Covington, VA 24426

The Honorable Paul A. Tucker
Chief Judge
County of Rockbridge Juvenile and
Domestic Relations District Court
20 East Back Street
Fincastle, VA 24090

Audit Period: April 1, 2007 through December 31, 2008
Court System: County of Rockbridge
Judicial District: Twenty-fifth
Magisterial Region: Second

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 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 Gordon F. Saunders, Judge
The Honorable Anita D. Filson, Judge
Elaine M. Cieluch, Clerk
Kozuo Webb, Regional Magistrate Supervisor
Ray B. Fitzgerald, 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.

Background

During the audit period, the Clerk retired on October 31, 2008 and on January 1, 2009, the Court separated into an individual General District and Juvenile and Domestic Relations Court. Because the audit encompassed these changes, we have listed our findings below. We have discussed these findings with each of the new Clerks and discussed with them the changes they need to implement to correct these findings. Further, we have recommended the Clerks work with the Office of the Executive Secretary to receive training in these billing practices. None of the findings below are attributable to the new Clerks.

Monitor and Disburse Liabilities

The court was not properly monitoring and disbursing amounts it held for individuals and others as court liabilities. Both the Code of Virginia and the Financial Management System User's Guide set forth the accounting for these accounts. Specifically, we found the following:

- The erroneous refunding of a bond of \$2000 to the individual, who posted it, rather than sending the bond to the Commonwealth as ordered by the court.
- The disbursement of a bond of \$3014 to a defendant rather than the individual who posted it.
- The incorrect disbursement of a bond of \$2554 to a defendant rather than the individual who posted it.

Properly Assess Fines and Costs

The Court personnel did not properly assess and collect fines and public defender fees involving local and state charges as required by Section 19.2-163 of the Code of Virginia. In 20 cases tested, we found the following errors:

- In two cases, the Court incorrectly identified charges against the defendant as a local violation rather than state resulting in a loss of revenue to the Commonwealth totaling \$300.
- In two cases, the Court did not assess public defender fees totaling \$240 on local charges resulting in a loss of revenue to the locality.
- In 12 cases, the Court did not properly bill the locality for the public defender fees involving a local case. The Court erroneously billed the Commonwealth which paid \$1140.

The current Clerks need to research all similar cases, make the appropriate corrections on case paperwork, and where appropriate, bill the localities for the applicable court appointed attorney fees.

Properly Certify Court Costs to Circuit Court

The Court did not properly certify court costs to the Circuit court on appealed cases as required by Section 19.2-335 of the Code of Virginia. We noted omissions in nine of 20 cases resulting in a loss of revenue to the Commonwealth in excess of \$700.