



MICHELLE M. TROUT  
CLERK OF THE CIRCUIT COURT  
FOR THE  
COUNTY OF ROCKBRIDGE

FOR THE PERIOD  
JANUARY 1, 2020 THROUGH JUNE 30, 2021

Auditor of Public Accounts  
Staci A. Henshaw, CPA

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

(804) 225-3350



## COMMENTS TO MANAGEMENT

We noted the following matters involving internal control and its operation that have led or could lead to the loss of revenues, assets, or otherwise compromise the Clerk's fiscal accountability.

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

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

The Clerk and her staff did not properly bill and collect court fines and costs. In 39 cases tested, we noted the clerk and her staff made the following errors.

- In nine local cases, \$2,563 in fines and costs were erroneously coded as state rather than local.
- Defendants in five cases were overcharged court appointed attorney fees totaling \$1,598.
- Defendants in three cases were not charged for fines and costs totaling \$1,477.
- The Clerk did not bill the locality for public defender fees totaling \$1,181 for six cases in which public defenders represented defendants on local charges.

The Clerk and her staff should correct the specific cases noted above and institute a more diligent system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should bill and collect court fines and costs in accordance with the Code of Virginia.

### **Request Tax Set-Off Refunds**

**Repeat:** No

The Clerk did not submit claims to the Virginia Department of Taxation (Taxation) for tax setoff of refunds for delinquent court fines and costs totaling \$518, resulting in a loss of revenue to the Commonwealth and locality. A court must submit claims for set-off of tax refunds through Taxation's automated accounting system. The Clerk should use the tax refund set-off process to maximize collections as required by the Code of Virginia.

### **Update Individual Receivable Account Status**

**Repeat:** No

The Clerk and her staff do not update and remove accounts from appeal status when applicable. The court had 33 accounts erroneously in appeal status that remained on the report for the entire audit period. Accounts should only be in appeal status when the Judge approves a stay in the sentence. The Clerk should update the individual accounts noted and, going forward, should review and take appropriate and timely action on all accounts requiring corrective action as required by the Financial Management System User's Guide.

## -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

November 9, 2021

The Honorable Michelle M. Trout  
Clerk of the Circuit Court  
County of Rockbridge

Daniel E. Lyons, Board Chairman  
County of Rockbridge

Audit Period: January 1, 2020, through June 30, 2021  
Court System: County of Rockbridge

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 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 finding reported in the prior year that is not repeated in this letter.

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

Staci A. Henshaw  
AUDITOR OF PUBLIC ACCOUNTS

SAH:vks

cc: The Honorable W. Chapman Goodwin, Chief Judge  
Spencer H. Suter, County Administrator  
Robyn M. de Socio, Executive Secretary  
Compensation Board  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia

## ROCKBRIDGE COUNTY CIRCUIT COURT

CLERK  
MICHELLE M. TROUT  
  
CHIEF DEPUTY CLERK  
BRENDA M. ANDERSON



DEPUTY CLERKS  
TRACEY T. SMITH  
VICKIE L. ARGENBRIGHT  
BRIDGET H. RAMSEY  
LYNN MUTERSPAUGH  
SANDI WILLIAMS

CLERK'S OFFICE  
ROCKBRIDGE COUNTY COURTHOUSE  
20 SOUTH RANDOLPH STREET, SUITE 101  
LEXINGTON, VIRGINIA 24450  
(540) 463-2232  
[www.courts.state.va.us/courts/circuit/Rockbridge](http://www.courts.state.va.us/courts/circuit/Rockbridge)

November 19, 2021

Staci A. Henshaw, Auditor of Public Accounts  
101 North 14<sup>th</sup> Street  
8<sup>th</sup> Floor  
Richmond, VA 23219

Re: Corrective Action Plan

Dear Ms. Henshaw:

Regarding the recent audit report for this office, the following is my written corrective action plan to the Comments To Management portion of said report.

The findings for Properly Bill and Collect Court Fines and Costs have been corrected with exception to two (2) accounts that have already been paid in full. The locality has also been billed for the appropriate public defender fees. This office will be more diligent in catching and preventing such errors by requesting and reviewing the monthly *CR42 - Appointed/Public Defender Report*. This report separates state and local cases to make them easier to identify as well as alerting us to bill our locality when appropriate. We will also continue our education on calculating court costs to comply with the Code of Virginia.

The findings for Request Tax Set-Off Refunds have been addressed. This office will continue to submit claims for set-off of tax refunds through Taxation's automated accounting system. We will continue to be diligent to maximize collections as required by the Code of Virginia.

The findings for Update Individual Receivable Account Status have been corrected. Court orders were reviewed for each account and the appeal status was removed in all accounts. This office will review the monthly *BU06 - Individual Account Status Report* to promote timely action on all required accounts.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michelle M. Trout". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Michelle M. Trout, Clerk