



LINDA BATCHELOR SMITH  
CLERK OF THE CIRCUIT COURT  
OF THE  
CITY OF HAMPTON

FOR THE PERIOD  
APRIL 1, 2016 THROUGH MARCH 31, 2017

Auditor of Public Accounts  
Martha S. Mavredes, CPA  
[www.apa.virginia.gov](http://www.apa.virginia.gov)  
(804) 225-3350



## 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 Fines and Costs (Repeat)**

The Clerk and her staff did not properly bill and assess fines and costs. In 30 cases tested, we noted the following errors.

- In 16 cases, errors in the assessment and billing of attorney costs resulted in Commonwealth losses of \$2,362 and defendants being overcharged a total of \$1,262.
- In 15 cases, defendants were not correctly billed for fines and costs, resulting in Commonwealth losses of \$2,694, locality losses of \$576, and defendants being overcharged \$80.

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 the 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

August 1, 2017

The Honorable Linda Batchelor Smith  
Clerk of the Circuit Court  
City of Hampton

Donnie Tuck, Mayor  
City of Hampton

Audit Period: April 1, 2016 through March 31, 2017  
Court System: City of Hampton

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:alh

cc: The Honorable Christopher W. Hutton, Chief Judge  
Mary Bunting, 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

OFFICE OF THE CLERK OF THE CIRCUIT COURT  
LINDA BATCHELOR SMITH, CLERK

Office Manager  
Chief Deputy Clerk II  
Sarah V. Bowe



EIGHTH JUDICIAL CIRCUIT  
237 N. KING STREET  
HAMPTON, VA 23669-0040

Mailing Address:  
P.O. Box 40  
Hampton, VA 23669-0040  
(757) 727-6105 Telephone  
(757) 728-3505 Main Fax  
(757) 728-3367 Criminal Fax

September 25, 2017

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

RE: Audit Period April 1, 2016 – March 31, 2017

Dear Ms. Mavredes,

This letter is my official response and corrective action plan as it relates to the Hampton Circuit Court Clerk's Office Audit for the period April 1, 2016 through March 31, 2017. As this is a repeat finding, I regret with a great sense of disappointment that all findings were correct as stated.

Most of the errors associated with the assessment and billing of attorney costs, occurred due to defendant time sheets not being submitted by the Public Defender's Office. All files were promptly reviewed and assessments corrected while auditors were still present, resulting in NO lost revenue to the Commonwealth, Locality or victim, to also include the fines and court costs.

I can offer no good explanation for my deputy clerks assessing incorrect fees except continued staff shortages and staff turnover in the criminal division, which impacts the ability to process and assess these costs accurately with minimum concentration time. As this is a five person team, we lost two employees during the last audit period and another two this audit period, one being the division supervisor due to retirement. Also within this period, the bookkeeper was out for six weeks due to having surgery and a court clerk was out from June 24, 2016 to January 11, 2017 due to a car accident only to return for a 3 day work week and resign for a position with the Judges staff.

The corrective action plan includes all court clerks sitting down as a team and reviewing all files for a two week period and assessing the fines and court costs together as a team. The bookkeeper continues to periodically review the assessment sheets for errors as time allows, since she now is also being utilized to attend court on an as needed basis. We will also continue to utilize all training and materials offered by the Supreme Court of Virginia and informative information provided by your staff.

As Clerk of the Circuit Court for the City of Hampton, I take great pride in the performance of my staff and will continue to be diligent in our actions to serve this community and comply with the Code of Virginia.

Respectfully Submitted,

Linda Batchelor Smith, Clerk

CITY OF HAMPTON  
"OLDEST CONTINUOUS ENGLISH SPEAKING SETTLEMENT IN AMERICA-1610"