



**MICHELE B. MCQUIGG  
THE CLERK OF THE CIRCUIT COURT  
FOR THE  
COUNTY OF PRINCE WILLIAM**

**REPORT ON AUDIT  
FOR THE PERIOD  
JANUARY 1, 2011 THORUGH JUNE 30, 2013**

## COMMENTS TO MANAGEMENT

We noted the following matters 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 and Fines

The Clerk and her staff did not properly bill and collect court costs and fines. In 30 of 70 cases tested, we noted the following errors.

- Five state cases were incorrectly classified as local cases.
- Court costs of \$30 and attorney fees of \$436 were incorrectly coded, resulting in the failure to bill the locality for attorney costs.
- Defendants were overcharged court costs of \$1,082.
- Defendants were undercharged court costs of \$905 and attorney fees of \$600.
- In two cases the payment agreement information was entered into the automated system improperly, resulting in incorrect due dates being calculated for fines and costs.

The Clerk should correct these specific cases noted above. Further, the Clerk should work with her staff to ensure they understand the billing and collection requirements and, if necessary, request additional training from the Office of the Executive Secretary of the Supreme Court of Virginia.

### Docket Judgments Timely

In 22 of 40 cases tested, judgments were not docketed upon sentencing or released when payments were made in full. Judgments totaling \$11,165 were either not docketed or were not docketed timely. Judgments totaling \$4,643 were not released upon payment in full. Judgments are to be docketed without delay and released upon full payment per Section 8.01-446 of the Code of Virginia.

### Remit Excess Copy Fees Timely

The Clerk did not remit excess copy fees for June 2013 to the Commonwealth timely, as directed by Chapter 9 of the Circuit Financial Management System User's Guide. As outlined in Section 15.2-1656 of the Code of Virginia, the locality must purchase and maintain copy equipment in the Clerk's office. The locality can receive a monthly reimbursement from copy fees for actual expenses. The Clerk must calculate this reimbursement and, in accordance with Section 17.1-275A (8) of the Code of Virginia, send the remaining copy fees to the Commonwealth. The Clerk should take steps immediately to make sure staff send all collections timely to the Commonwealth.

### Monitor and Disburse Liabilities

The Clerk does not properly monitor and disburse liabilities. The Clerk continues to hold funds from bonds and refund accounts. These funds should be researched and disbursed to defendants immediately upon completion of a case, as directed by the Code of Virginia or, if appropriate, escheated as unclaimed property. The Clerk should monitor all accounts periodically and promptly disburse liabilities as appropriate.

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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

September 26, 2013

The Honorable Michele B. McQuigg  
Clerk of the Circuit Court  
County of Prince William

Corey A. Stewart, Chairman  
County of Prince William

Audit Period: January 1, 2011 through June 30, 2013  
Court System: County of Prince William

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court for this Court System 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.

We discussed these comments 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 Mary Grace O'Brien, Chief Judge  
Melissa S. Peacor, County Executive  
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 CIRCUIT COURT

Prince William County  
Cities of Manassas and Manassas Park  
Virginia

Michèle B. McQuigg  
Clerk of the Court

Robert S. FitzSimmonds III  
Chief Deputy Clerk



9311 Lee Avenue  
Manassas, Virginia 20110  
(703) 792-6015  
FAX (703) 792-4721  
[www.pwcgov.org/ccourt](http://www.pwcgov.org/ccourt)

September 12, 2013

Ms. Martha Mavredes  
Auditor of Public Accounts  
Attn: Ms. Laurie Hicks, Audit Director  
PO Box 1295  
Richmond, VA 23218

Dear Ms. Mavredes:

The following is our response with corrective actions to the draft audit report for the period January 1, 2011 through June 30, 2013.

## Properly Bill and Collect Court Costs and Fines

The Clerk and her staff did not properly bill and collect court costs and fines. In 30 of 70 cases tested, we noted the following errors.

- Five state cases were incorrectly classified as local cases.
- Court costs of \$30 and attorney fees of \$436 were incorrectly coded, resulting in the failure to bill the locality for attorney costs.
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- In two cases the payment agreement information was entered into the automated system improperly, resulting in incorrect due dates being calculated for fines and costs.

The Clerk should correct these specific cases noted above. Further, the Clerk should work with her staff to ensure they understand the billing and collection requirements and, if necessary, request additional training from the Office of the Executive Secretary of the Supreme Court of Virginia.

## RESPONSE

See Attachment A for corrective action taken on the identified cases and where we disagree with the findings. The 7 localities have been contacted and confirmed the prosecutor used and how tickets and warrants are written. The Courtroom Support Supervisor and a couple of deputy clerks have signed up for the Office of the Executive Secretary (OES) of the Supreme Court of Virginia's (SCV) class on Assessing Fines and Costs and Cash Receipting. Written guidelines and charts are being revised to ensure a consistent policy.

### Docket Judgments Timely

In 22 of 40 cases tested, judgments were not docketed upon sentencing or released when payments were made in full. Judgments totaling \$11,165 were either not docketed or were not docketed timely. Judgments totaling \$4,643 were not released upon payment in full. Judgments are to be docketed without delay and released upon full payment per Section 8.01-446 of the Code of Virginia.

#### RESPONSE

We have received a list of the 22. No money was lost. Of the 22, 7 or 31.8% were paid the same day; 8 or 36.3% of the judgments have been released; and 5 or 22.7% of the judgments have been recorded but nothing has been paid yet. For one of the judgments, the costs and fines were paid, but no judgment recorded and on the other one the judgment had not been released—it has been now.

A major contribution to the large number is that we did not follow Section 8.01-446. With limited staff and time, priorities must be established. Having to record a judgment and then release it the same day was not conducive to streamlining operations. That policy did not result in a loss of money. Also, the General Assembly agreed and the law is now changed to conform with our practice.

We are now using the JLD form that is being printed nightly and recording it in the judgment book as well as into the case. It takes more time to do, but helps ensure that no judgment will be missed.

### Remit Excess Copy Fees Timely

The Clerk did not remit excess copy fees for June 2013 to the Commonwealth timely, as directed by Chapter 9 of the Circuit Financial Management System User's Guide. As outlined in Section 15.2-1656 of the Code of Virginia, the locality must purchase and maintain copy equipment in the Clerk's office. The locality can receive a monthly reimbursement from copy fees for actual expenses. The Clerk must calculate this reimbursement and, in accordance with Section 17.1-275A (8) of the Code of Virginia, send the remaining copy fees to the Commonwealth. The Clerk should take steps immediately to make sure staff send all collections timely to the Commonwealth.

#### RESPONSE

There was one instance which occurred during the transition of bookkeepers that coincided with the auditor's visit. The new bookkeeper is now fully trained in this function.

### Monitor and Disburse Liabilities

The Clerk does not properly monitor and disburse liabilities. The Clerk continues to hold funds from bonds and refund accounts. These funds should be researched and disbursed to defendants immediately upon completion of a case, as directed by the Code of Virginia or, if appropriate, escheated as unclaimed property. The Clerk should monitor all accounts periodically and promptly disburse liabilities as appropriate.

#### RESPONSE

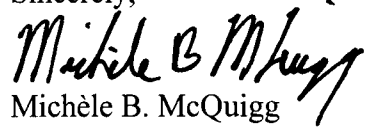
While we have monitored all accounts in the past, we believe that reviewing the appropriate reports monthly will enable us to better disburse these funds in a timely manner.

We appreciate the feedback to begin to review this report on a more regular basis; however, we do not believe that our former practice led to any loss or otherwise compromise fiscal accountability.

In July, 2009, we switched from a Prince William developed case management system to the State's. It was a major task accomplished in a short period of time and was needed to improve efficiencies and save money. We are still learning about all of the reports and how best to use them.

We appreciate the hard work and the professionalism of the audit team.

Sincerely,

A handwritten signature in black ink, appearing to read "Michèle B. McQuigg". The signature is fluid and cursive, with the first name "Michèle" being more prominent than the last name "McQuigg".

Michèle B. McQuigg

Attachments