



Commonwealth of Virginia

Walter J. Kucharski, Auditor

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

January 5, 2010

The Honorable Colleen K. Killilea
Chief Judge
County of New Kent General District Court
5201 Monticello Ave. Suite 2
Williamsburg, VA 23188

Audit Period: July 1, 2008 through June 30, 2009
Court System: County of New Kent
Judicial District: Ninth

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations.

During the audit period, the Supreme Court of Virginia had no formal guidance regarding approval of Clerk's leave submitted to the electronic leave reporting system. The Supreme Court of Virginia has since issued interim guidance regarding the implementation of internal controls over this process, and this court promptly implemented those controls.

During our review, we noted certain matters that required management's attention and corrective action. These matters included:

Properly Record Fines and Costs

The Clerk does not properly record fines and court appointed attorney costs between state and local jurisdictional cases. The Clerk made coding errors in the automated financial management system (FMS) while preparing the defendants account. Specifically, we noted two state fines incorrectly collected as local fines, resulting in a loss to the state of \$175 and four local cases where the state improperly recovered \$480.

The Clerk should correct the cases noted above and properly collect and disburse those funds. Additionally, the Clerk should review the courts procedures for recording information to reduce data entry errors.

The Honorable Colleen K. Killilea, Chief Judge
January 5, 2010
Page Two

Respond to Debt Set-Off Notifications

The Clerk failed to respond to notifications from the Department of Taxation regarding available tax refunds for taxpayers owing delinquent court costs. The Department of Taxation has issued procedures for compliance with Section 58.1-524 Code of Virginia through the Integrated Revenue Management System. Procedures require the Clerk to electronically respond when notified of a match. In March 2009, the Clerk failed to respond and collect \$971, resulting in losses to the locality and the Commonwealth.

We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable Jeffrey W. Shaw, Judge
Jeanne Bennett Allen, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia