

**CLERK OF THE GENERAL DISTRICT COURT  
of the  
CITY OF PORTSMOUTH**

**REPORT ON AUDIT  
FOR THE PERIOD  
OCTOBER 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 17, 2009

The Honorable Morton V. Whitlow  
Chief Judge  
City of Portsmouth General District Court  
711 Crawford St., PO Box 129  
Portsmouth, VA 23705-0129

Audit Period: October 1, 2007 through December 31, 2008  
Court System: City of Portsmouth  
Judicial District: Third  
Magisterial District: RS-7

We have audited the cash receipts and disbursements of the Clerk of the 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 no 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.

However, 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:alh

cc: The Honorable S. Lee Morris, Judge  
The Honorable Roxie O. Holder, Judge  
L. Jody Davis, Clerk  
Loretta Reese, Chief Magistrate  
Paul 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.

#### Properly Assess Fines and Costs

The clerk does not properly assess fines and costs as required by Section 19.2-163 of the Code of Virginia. Specifically, in 40 cases tested, we noted the following.

- Ten cases with costs improperly assessed to the defendant totaling \$1200
- One case with fines improperly assessed to the defendant
- Two cases with state and local fines assessed incorrectly
- Nine cases with state and local costs assessed incorrectly
- Two local cases with costs paid by state and not billed to the locality

We determined losses to the Commonwealth totaled \$600 and losses to the locality totaled \$730. The Office of the Executive Secretary should work with the Clerk and the court staff to train them to properly assess fines and costs.