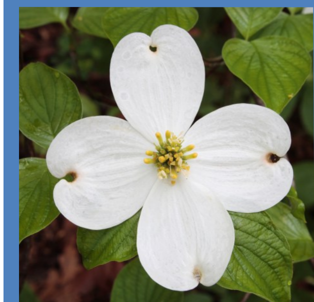


KENNETH SWISHER

CLERK OF THE CIRCUIT COURT

FOR THE

CITY OF LYNCHBURG

FOR THE PERIOD

JANUARY 1, 2025 THROUGH DECEMBER 31, 2025

Auditor of Public Accounts
Staci A. Henshaw, CPA
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 noncompliance with laws and regulations, the loss of assets or revenues, or otherwise compromise the Clerk's fiscal accountability.

<u>Properly Assess and Bill Court Costs</u>
Repeat: Yes (First issued in 2025)

The Clerk and the Clerk's staff did not properly assess and bill court costs. In 29 of 59 (49%) cases tested, we noted the following errors.

- The Clerk did not charge defendants in 20 cases a total of $14,802 in court costs.

- The Clerk overcharged defendants in seven cases a total of $1,403 in court costs.

- In three cases, the Clerk miscoded in the financial system costs of $275 as Commonwealth instead of local.

- The Clerk erroneously sent one attorney invoice for $180 to the Commonwealth for payment instead of the locality.

- For two cases, the Clerk did not bill the locality for a total of $150 in public defender fees.

The amounts above are based on actual errors noted within our sample of court transactions, the impact of which we did not project to all transactions of the court. The Clerk and the Clerk's staff should correct the specific cases noted above, seek additional training in the assessment and billing of court costs, and establish a system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should assess and bill court costs in accordance with the Code of Virginia.

-TABLE OF CONTENTS-

	Pages
COMMENTS TO MANAGEMENT	
REPORT ON REVIEW OF FINANCIAL OPERATIONS	1-2
CLERK'S RESPONSE AND CORRECTIVE ACTION PLAN	3

Staci A. Henshaw, CPA
Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

August 31, 2026

The Honorable Kenneth Swisher
Clerk of the Circuit Court
City of Lynchburg

Larry Taylor, Mayor
City of Lynchburg

Review Period: January 1, 2025, through December 31, 2025
Court System: City of Lynchburg

We have reviewed the financial operations for the office of the Clerk of the Circuit Court for the City of Lynchburg, for the period noted above, pursuant to § 30-134 of the Code of Virginia. Our primary objectives were to test the accuracy of financial transactions recorded on the Court's financial accounting system; evaluate the Clerk's internal controls; and test the Clerk's compliance with significant state laws, regulations, and policies related to financial operations.

The Clerk is responsible 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 information, effectiveness and efficiency of financial operations, and compliance with applicable laws and regulations. Deficiencies in internal controls could lead to noncompliance with laws and regulations, the loss of assets or revenues, or otherwise compromise the Clerk's fiscal accountability. It is our responsibility to perform procedures to the extent necessary to satisfy the objectives of this engagement.

We noted a matter involving internal control and its operation necessary to bring to the Clerk's attention. The matter is discussed in the section titled Comments to Management. Any written corrective action plan to remediate this matter provided by the Clerk is included as an enclosure to this report. We did not validate the Clerk's corrective action plan and, accordingly, cannot take a position on whether it adequately addresses the issues in this report.

We discussed this comment with the Clerk, and we acknowledge the cooperation extended to us by the Clerk and the Clerk's staff during this engagement.

Staci A. Henshaw
AUDITOR OF PUBLIC ACCOUNTS

LJH/clj

cc: The Honorable John Cook, Chief Judge
Wynter Benda, City Manager
Robyn de Socio, Executive Secretary
Compensation Board
Paul DeLosh, Director of Judicial Services
Supreme Court of Virginia

CLERK'S OFFICE

LYNCHBURG CIRCUIT COURT
900 Court Street
Mailing Address:
P. O. Box 4
Lynchburg, Virginia 24505
Telephone 434-455-2620
Facsimile 434-847-1864
www.lynchburgva.gov/circuit-court

TODD SWISHER, CLERK

F. PATRICK YEATTS, JUDGE
J. FREDERICK WATSON, JUDGE

September 8, 2026

Mrs. Staci A. Henshaw
Auditor of Public Accounts
101 North 14th Street, 8th Floor
Richmond, VA 23219

Dear Mrs. Henshaw:

Greetings, I would first like to thank Mrs. Lyndsey Tatum for her efforts in conducting the recent APA audit (April 2026) of our office, which reviewed the period January 1, 2025, through December 31, 2025. She was very professional in approach and a pleasure to have on site. I welcome any auditing process as an opportunity for my office to improve and Mrs. Tatum's findings reflect both our organizational strengths and developmental opportunities. It is critical to be aware of both as we strive for sustained excellence. Overall, I am extremely pleased with the results of the audit. This audit focused on all areas of financial transactions within the office, internal control measures, compliance with state laws, regulations, and policies. It was not limited to any one specific area. Considering the myriad of financial responsibilities, and thousands of financial transactions this office conducts each year, the fact that only one matter of internal control was noted, reflects impressive, sound fiscal practices and control overall. I know the office strives very hard to excel in this area, for financial integrity is imperative. I say this not to discount the one matter noted related to the billing and collecting of court costs, but simply to provide some overall context related to the audit. Without question, our collective performance in assessing and billing court costs needs improvement, as noted in the audit results. This is the second year in a row that our performance in this area was noted as unsatisfactory. The following are measures that this office will continue doing to ensure corrective action and improvement in this area. The errors noted in the report were the result of human error. A degree of human error is inevitable, given the significant workload of this office, and the growing complexity of court costs, which seem to increase every year. The key is to minimize errors through awareness and communication, continuing education, and an internal audit process devised to identify and correct errors. We endeavor to perform much better in this area in the future.

Corrective Actions:

- Our office continues to provide ongoing training to staff members through OES in this area.
- A thorough internal audit system has been implemented. Selected staff members review each completed cost sheet to detect errors, if any, and ensure correction. All errors noted are sent back to the clerk who originally completed the cost sheet for correction…along with an explanation of the error and how to correct it.

Signature on File

K. Todd Swisher, Ed.D.
Lynchburg Circuit Court Clerk