



**GARY M. CLEMENS
CLERK OF THE CIRCUIT COURT
FOR THE
COUNTY OF LOUDOUN**

**REPORT ON AUDIT
FOR THE PERIOD
APRIL 1, 2012 THROUGH DECEMBER 31, 2013**

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 Court Costs

The Clerk and his staff did not properly bill and collect court costs. In five of 44 cases, we noted the following errors.

- In two cases, the Clerk incorrectly billed defendants for attorney fees, resulting in a loss of \$1,003 to the locality and Commonwealth.
- In two Commonwealth cases, the Clerk overcharged the locality for \$556 in attorney fees.
- In one case, the Clerk did not bill the defendant for the ignition interlock fee of \$20, resulting in a loss to the Commonwealth.

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

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Commonwealth of Virginia

Auditor of Public Accounts

Martha S. Mavredes, CPA
Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

April 15, 2014

The Honorable Gary M. Clemens
Clerk of the Circuit Court
County of Loudoun

Scott K. York, Chairman
County of Loudoun

Audit Period: April 1, 2012 through December 31, 2013
Court System: County of Loudoun

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 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.

The Clerk has taken adequate corrective action with respect to the internal control findings reported in the prior year that are not repeated in this letter.

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 Burke F. McCahill, Chief Judge
Tim Hemstreet, County Administrator
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



COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN
OFFICE OF THE CLERK OF CIRCUIT COURT

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Brenda S. Butler
Chief Deputy

Gary M. Clemens
Clerk

William L. Loy
Assistant Chief Deputy

April 10, 2014

Ms. Martha S. Mavredes
Auditor of Public Accounts
Commonwealth of Virginia
101 North 14th Street, #18
Richmond, Virginia 23219

RE: Response to Audit Report

Dear Ms. Mavredes:

I have received the audit report for my office that covers the period of April 1, 2012 through December 31, 2013. After reviewing the report, discussing the results of the report with your field auditors and discussing the results of the report with my staff, I concur with the findings of your audit report.

The following corrective action has been or will be taken to address the three points in the report:

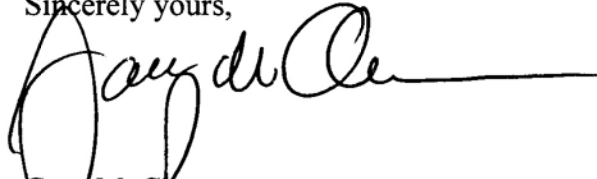
In the criminal case wherein the defendant was billed for a lesser amount of court-appointed attorney's fees, a court order will be processed to permit the clerk to assess the additional amount of \$1,003 and charge that amount to the defendant.

In the cases that resulted in assessing a higher amount for court-appointed attorney's fees that was charged to the locality, we will work with relevant County staff to resolve this matter as well as implement additional internal audit protocols for local billing purposes.

In the case involving the ignition interlock fee of \$20, collection efforts will be pursued to collect this delinquency in fees from the defendant. Additionally, my staff is taking the necessary steps to enhance our existing internal audit protocols for reviews of criminal cases involving alcohol-related driving infractions that result in conviction.

I value your recommendations as we often partner with the Office of the Executive Secretary to conduct training programs for deputy clerks. In conclusion, I appreciate the professional audit review completed by your field auditors on this deployment as well as their collaborative approach when consulting with my staff.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary M. Clemens", with a long horizontal flourish extending to the right.

Gary M. Clemens
Clerk of the Circuit Court