

November 19, 2002

The Honorable Gary M. Williams
Clerk of the Circuit Court
County of Sussex

Board of Supervisors
County of Sussex

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of the County of Sussex for the period July 1, 2001 through September 30, 2002.

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. However, our audit was more limited than would be necessary to provide assurance on the internal controls or on overall compliance with applicable laws, regulations, and policies.

The results of our tests found the Court properly stated, in all material respects, the amounts recorded and reported in the financial management system. However, we noted weaknesses in internal controls and noncompliance with state laws, regulations, and policies that the Clerk needs to address as described below.

Properly Monitor Civil Cases

The Clerk does not consistently monitor inactive civil cases. Section 8.01-335 of the Code of Virginia establishes guidelines for removing inactive civil cases from the court's docket after one, two, and three years of inactivity. The court's docket has 32 civil cases, which are 3 to 12 years old. We tested 6 of these 32 cases and found that two cases had ended up to six years ago, but continue to appear as pending and inactive as a result of the Clerk's failure to properly close the cases on the system. Additionally, the Clerk did not follow up on three cases where attorneys removed, but never returned supporting paperwork from the Clerk's office up to 11 years ago.

These old cases clutter and overstate the court's docket report, which is one of the tools the Compensation Board uses to allocate court funding. The Clerk should immediately identify inactive civil cases, petition the Court to remove them from the docket, and refund any bonds. Further, the Clerk should begin to consistently monitor inactive cases.

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Reconcile Clerk's Expenses

The Clerk does not reconcile his office and payroll expenses to state reimbursements. Our audit uncovered an unreimbursed balance of \$52 as of September 30, 2002. Because he does not properly reconcile expenses to reimbursements, the Clerk had not identified this balance or its cause up to 13 months later. If the Clerk continues to process his own payroll and expenses, he must reconcile balances in expense accounts monthly to ensure he properly receives all payments.

Reimburse Machine Recording Fund

The Clerk should reimburse the \$1,282.64 in machine recording fees he owes, for improperly using machine-recording fees for the purchase and maintenance of a word processor. The Clerk has a few options to reimburse the machine recording fees. He may personally reimburse the money; he may request the Compensation Board reimburse the money, using the court's technology trust funds, when available; or he may request the county to pay for the word processor and maintenance costs in accordance with Section 5.2-1656 of the Code of Virginia. Until he resolves this situation, the \$1,282.634 will continue to be a liability owed by the Clerk.

We discussed these comments with the Clerk on November 19, 2002 and we acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK/cam

cc: The Honorable Robert G. O'Hara, Jr., Chief Judge
Mary E. Jones, County Administrator
Bruce Haynes, Executive Secretary
Compensation Board
Paul Delosh, Technical Assistance
Supreme Court of Virginia
Martin Watts, Court Analyst
Supreme Court of Virginia
Don Lucido, Director of Technical Assistance
Supreme Court of Virginia
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