

Report on the

Office of Circuit and District Courts

Mobile County, Alabama

August 1, 2017 through April 30, 2020

Filed: July 31, 2020



Department of Examiners of Public Accounts

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Rachel Laurie Riddle, Chief Examiner



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Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Office of Circuit and District Courts, Mobile County, Alabama, for the period August 1, 2017 through April 30, 2020, by Examiners Angela B. Waters and Carolina Fussell. I, Angela B. Waters, served as Examiner-in-Charge on the engagement, and under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Angela B. Waters'.

Angela B. Waters
Examiner of Public Accounts

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Department of
Examiners of Public Accounts

SUMMARY

**Office of Circuit and District Courts
Mobile County, Alabama
August 1, 2017 through April 30, 2020**

The Office of Circuit and District Courts, Mobile County, Alabama, (hereinafter referred to as the “Courts”) receipts, disburses and otherwise accounts for court costs, fines, forfeitures, fiduciary funds and other miscellaneous receipts for cases under the Courts’ jurisdiction. The amounts collected are then distributed to various state and local entities as ordered by the Courts and in accordance with state and local laws and regulations. The Circuit Clerk, an elected official, is responsible for overseeing the operations of the Circuit and District Courts. The duties of the Circuit Clerk and District Court Clerk are enumerated in the *Code of Alabama 1975*, Sections 12-17-93 and 12-17-94. The Circuit Clerk also serves as clerk for the District Court pursuant to the *Code of Alabama 1975*, Section 12-17-160.

Honorable JoJo Schwarzauer served as Circuit and District Court Clerk during the examination period.

The Circuit and District Court Clerk maintains a court-ordered special fund known as the Circuit Clerk’s Fund. The *Code of Alabama 1975*, Section 12-19-21, authorizes the Administrative Director of Courts to prescribe procedures for the collection and distribution of court fees. On January 1, 2007, the Administrative Director of Courts directed the Circuit and District Court Clerks to collect a \$5.00 fee on all requests for copies of court records. The fees collected are to be paid to the Circuit Clerk’s Fund. This fund also receives a portion of the solicitor’s fees pursuant to the *Code of Alabama 1975*, Section 12-19-182. Effective August 1, 2011, this fund began receiving a portion of the restitution recovery service charge collected by the District Attorney’s Recovery Team pursuant to the *Code of Alabama 1975*, Section 45-49-83.41, and a Memorandum of Understanding dated July 26, 2011.

The Circuit and District Court Clerk also maintains the “Circuit Clerk’s Judicial Administration Fund” that was created pursuant to the *Code of Alabama 1975*, Section 12-19-310. This fund accounts for the collection of various fees in the courts and for the distribution of those fees for the support of local court operations.

This report presents the results of an examination of the Courts and a review of compliance by the Courts with applicable laws and regulations of the State of Alabama in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12.

Tests performed during the examination did not disclose any significant instances of noncompliance with applicable state and local laws and regulations.

The Official was invited to discuss the results of this report at an exit conference. Individuals in attendance were: Honorable JoJo Schwarzauer, Circuit and District Court Clerk; and representatives from the Department of Examiners of Public Accounts: Angela B. Waters, Examiner and Carolina Fussell, Examiner.

Financial Information

***Summary of Receipts, Disbursements and Balances
August 1, 2017 through April 30, 2020***

	Civil Division	Criminal Division
Beginning Cash Balances - August 1, 2017	\$ 2,439,816.96	\$ 948,333.24
Receipts	<u>42,508,179.12</u>	<u>12,824,012.29</u>
Total Available for Disbursement	44,947,996.08	13,772,345.53
Disbursements	<u>42,290,818.86</u>	<u>12,532,524.47</u>
Ending Cash Balances - April 30, 2020	<u>\$ 2,657,177.22</u>	<u>\$ 1,239,821.06</u>

Juvenile Division	Domestic Relations Division	Total
\$ 116,870.96	\$ 202,161.42	\$ 3,707,182.58
936,493.50	5,282,691.09	61,551,376.00
1,053,364.46	5,484,852.51	65,258,558.58
936,832.48	5,398,303.40	61,158,479.21
<u>\$ 116,531.98</u>	<u>\$ 86,549.11</u>	<u>\$ 4,100,079.37</u>

Fiduciary Funds on Hand
April 30, 2020

Civil Division	\$ 6,147,513.25
Domestic Relations	<u>1,259.80</u>
Total	<u>\$ 6,148,773.05</u>

Circuit Clerk's Fund
Summary of Receipts, Disbursements and Balance
August 1, 2017 through April 30, 2020

Receipts

Solicitor's Fees	\$ 264,719.94
Copies	303,681.10
District Attorney's Recovery Team Collections	226,082.42
Sex Offender's Fees	697.27
Other	905.89
Total Receipts	<u>796,086.62</u>

Disbursements

Salaries	729,083.00
Conference Expenses and Dues	292.60
Miscellaneous	3,439.64
Total Disbursements	<u>732,815.24</u>

Excess of Receipts Over/(Under) Disbursements	63,271.38
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Balance - August 1, 2017	<u>132,030.79</u>
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Balance - April 30, 2020	<u><u>\$ 195,302.17</u></u>
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***Circuit Clerk's Judicial Administration Fund
Summary of Receipts, Disbursements and Balance
August 1, 2017 through April 30, 2020***

Receipts

\$35 Bail Bond Fee	\$ 249,188.76
3.5% Bail Bond Fee	98,386.50
Civil Docket Fees	179,436.22
Criminal Docket Fees	196,547.87
Municipal Docket Fees	139,855.75
Other	6.00
Total Receipts	<u>863,421.10</u>

Disbursements

Salaries	768,086.14
Miscellaneous	2,701.51
Total Disbursements	<u>770,787.65</u>

Excess of Receipts Over/(Under) Disbursements	92,633.45
Balance - August 1, 2017	<u>33,153.01</u>
Balance - April 30, 2020	<u>\$ 125,786.46</u>