

January 24, 2011

EMAIL MEMORANDUM

TO: Circuit Court Clerks  
Governing Bodies

FROM: Robyn M. de Socio, Executive Secretary

RE: Clerks' Commissions and Excess Fees Payments

I am writing to provide you with information regarding the current status of commission distributions Clerks' offices receive from the Department of Accounts and an issue related to those commissions, and to inform you of resulting action taken by the Compensation Board with respect to Excess Fee payments to localities.

Because these issues are related, I have agreed to communicate information on behalf of the Department of Accounts (DOA) in this email memorandum. However, questions related to commissions will need to be addressed to the DOA.

According to the DOA, Item 248D of Chapter 874 (current Appropriation Act) calls for the suspension of the distribution of certain Clerks' Commissions. It has been brought to the DOA's attention that it was the intent of the General Assembly to suspend the distribution of all Clerks Commissions. As a result, DOA will not be distributing any Clerks Commissions. An amendment has been offered to Item 248D to reflect this intent.

If you have any questions regarding the suspension of distribution of Clerks' Commissions, please contact Randy McCabe, Assistant State Comptroller, at 804-225-2000 or [Randy.McCabe@DOA.Virginia.gov](mailto:Randy.McCabe@DOA.Virginia.gov).

As you know, commissions received from DOA in the Clerks' offices are redeposited and incorporated into fee revenues reported in the Compensation Board's excess fees calculation process. As a result of DOA's suspension of distribution of commissions and communication to the Compensation Board that previous months' distributions may have been made in error, the Compensation Board has taken action to defer payment of monthly excess fee amounts for the 26 localities currently receiving monthly payments. If it is determined that commissions have been paid in error in the current fiscal year, the Compensation Board will need to make adjustments to future monthly excess fee payments to recover amounts paid that were based upon erroneous commission amounts.

Payment of monthly excess fees will be deferred until such time as the Compensation Board receives clarification from the DOA regarding the appropriate payment of commissions to Clerks. I anticipate that the deferral of payment of monthly excess fee amounts will continue until after adjournment of the 2011 legislative session, pending information clarifying legislative intent with regard to the issue of commissions.

If you have any questions regarding the deferral of excess fee payment amounts, please contact Paige Christy, Charlene Rollins, or me at the Compensation Board.

C: Randy McCabe, Assistant State Comptroller, Department of Accounts

Charlene M. Rollins, Customer Service Manager  
Anne M. Wilmoth, Chief Information Officer  
Charlotte W. Lee, Budget Manager  
Paige G. Christy, Senior Fiscal Technician