

## Ken Burke, CPA


CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
PINELLAS COUNTY, FLORIDA

Clerk of the County Court  
Recorder of Deeds  
Clerk and Accountant of the Board of County Commissioners  
Custodian of County Funds  
County Auditor

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### REPORT NO. 2016-12

TO: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

FROM: Hector Collazo, Inspector General/Chief Audit Executive  
Division of Inspector General 

DIST: David Bateman, Director, Court and Operational Services  
Bill Burgess, Manager, Criminal Court Customer Services

SUBJECT: Investigation of the Clerk's Transcript Copy Charges

DATE: June 9, 2016

The Division of Inspector General's Public Integrity Unit (PIU) received allegations of Fraud, Waste, and Abuse. We investigated the following allegation related to the complainant's appellant record.

The complainant alleges that the Clerk's Office unlawfully collected transcript copy charges in the amount of \$81 for preparation of the appellant record for the appeals case.

The complainant did provide documentation to assist with the investigation.

To determine whether the allegations were substantiated, we reviewed the Clerk of the Circuit Court and Comptroller's appeals policies and procedures, various correspondence, case dockets and documents, and any other records deemed appropriate. We also conducted interviews of staff and other parties, as needed. Our investigation was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.

The Division of Inspector General's investigation of the allegations has determined that the allegations noted above were *unfounded*.



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We determined, through our investigation, that the transcript request form used by the Digital Court Reporting (DCR) office, a division of the Sixth Judicial Circuit, was not adequately prepared by the complainant. In section 3 of the form, the Appeal (Please attach designation to this request) portion was not marked. The form contained handwritten instructions by the complainant requesting the transcript without designating in section 3, the Media Choice (For Above Referenced Case).

The incompleteness of the form subsequently led to several events of miscommunication between the complainant, DCR, County Attorney, and the Clerk's Office. The complainant filed the appeal pro se after being advised by both the Sixth Judicial Circuit Court and Clerk's staff to seek legal counsel.

The original copy (one copy) of the transcript, which the complainant paid for at the DCR office, was dropped off at the Clerk's Appeals counter without directions to the Clerk, and therefore, was docketed as a pleading to the traffic case by Clerk's staff. Both the Appeals Section and the DCR are located in the Criminal Justice Center on 49<sup>th</sup> Street.

Our review of the Clerk's written appeals procedures, in conjunction with staff interviews, case dockets, and documents, indicates the Clerk's staff followed the procedures for preparing the complainant's appellate record. Our review of the Clerk's "Schedule of Service Charges" indicates the complainant was charged the correct statutory amount for transcript copies to prepare the appellant record.

Management at the DCR office is uncertain if the transcript was dropped off by their staff or the complainant. Due to the uncertainty of events that occurred in their office, DCR fully refunded the complainant the \$162 in charges for the transcripts they provided.