



**Auditor of State
Betty Montgomery**

Bulletin 2005-003

Auditor of State Bulletin

Date Issued: May 24, 2005

TO: All Common Pleas Courts
All County Courts
All Juvenile Courts
All Mayors Courts
All Municipal Courts
All Probate Courts
All Clerks of Common Pleas Courts
All Clerks of County Courts
All Clerks of Juvenile Courts
All Clerks of Mayors Courts
All Clerks of Municipal Courts
All Clerks of Probate Courts
All City Auditors and Finance Directors
All County Auditors
All Independent Public Accountants

FROM: Betty Montgomery
Ohio Auditor of State

SUBJECT: Clarification Regarding Use of Court Computerization Fees

The purpose of this Bulletin is to clarify guidance offered by the Auditor of State's Office (AOS) contained in Bulletins 93-02 and 97-019 concerning permissible expenditures of additional computerization fees charged by the courts. The authority to charge additional computerization fees is derived from Ohio Rev. Code (ORC) § 2303.201 for common pleas courts; ORC § 2301.031 for domestic relations divisions; ORC § 1907.261 for county courts; ORC § 1901.261 for municipal courts; ORC § 2101.162 for probate courts; ORC § 2151.541 for juvenile courts; and ORC § 2153.081 for the Cuyahoga County juvenile court.

In Bulletin 97-019, the AOS opined that similar computerization fees can be charged by mayor's courts. In addition, Bulletin 97-019 provided further guidance regarding a court's ability to assess fees to computerize either the court itself or the clerk of court's office.

Both bulletins include a list of areas where courts can spend revenue from their computerization fees. According to the list contained in Bulletin 97-019, courts can spend computerization fee revenue on "staff expenses related to operating the computer system, including fringe benefits."¹ Some courts which are charging additional computerization fees

¹ Similarly, Bulletin 93-02 indicates that these fees can be used to pay for "staff to operate the computer system, including fringes."

have interpreted this statement in prior Bulletins to mean that the fees can be used to pay for the wages of any court employee who uses a computer.

While Bulletin 97-019 points out that the list of permissible expenditures should not be considered exhaustive and that courts should use the list as a guide, it is the AOS's opinion that revenue from these fees cannot be used to compensate any employee of the court who happens to use a computer in the ordinary course of his or her duties. Rather, the AOS believes that in providing for additional fees as specified in the relative code sections, the Ohio Legislature intended that such fees are to be used for procuring and maintaining computer systems or for computerization of the courts. This would include procurement of services for the installation, update, and maintenance of the court's computer system (e.g., computer programmers or computer engineers). Such services may be provided by employees or staff of the court and, in such circumstances, fees could be expended for employee or staff expenses as properly documented to demonstrate the percentage of time spent on such activities. However, employees and staff should not be compensated from computerization fees when utilizing the court's computer systems as end-users.

If you have any questions regarding the information presented in this Bulletin, please contact the AOS Legal Division, at (800) 282-0370.

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