

**CITY OF MANNING MUNICIPAL COURT  
MANNING, SOUTH CAROLINA**

---

**State Auditor's Report on Applying  
Agreed-Upon Procedures  
March 31, 2007**



**CITY OF MANNING MUNICIPAL COURT  
MANNING, SOUTH CAROLINA**

Table of Contents

|   | <u>PAGE</u> |
|---|-------------|
| <b>STATE AUDITOR TRANSMITTAL LETTER</b>   |             |
| <b>I. INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING<br/>AGREED-UPON PROCEDURES</b>  | 1-3         |
| <b>II. ACCOUNTANT’S COMMENTS</b>  |             |
| <b>VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS</b>   | 4           |
| <u>TIMELY ACCURATE RECORDING AND REPORTING BY THE CITY</u><br><i>Adherence to Judicial Department Fine Guidelines</i>               | 5           |
| <u>PROPER VICTIM ASSISTANCE FUNDS ACCOUNTING</u><br><i>Improper Documentation for Direct Victim Services Criteria</i>               | 5           |
| <u>TIMELY ACCURATE REPORTING TO THE STATE TREASURER</u><br>Timely Filing<br>Required Supplemental Schedule of Fines and Assessments | 5-6         |
| <b>APPENDIX</b>   |             |
| <b>CORRECTIVE ACTION PLAN</b>   |             |

# State of South Carolina



## Office of the State Auditor

1401 MAIN STREET, SUITE 1200  
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA  
DEPUTY STATE AUDITOR

(803) 253-4160  
FAX (803) 343-0723

August 13, 2007

The Honorable Mark Sanford, Governor  
State of South Carolina  
Columbia, South Carolina

The Honorable Russell Miller, Clerk of Court  
City of Manning  
Manning, South Carolina

This report resulting from the application of certain agreed-upon procedures to certain accounting records of the City of Manning Municipal Court System for the period April 1, 2006 through March 31, 2007, was issued by Cline Brandt Kochenower & Co., P.A., Certified Public Accountants, under contract with the South Carolina Office of the State Auditor.

If you have any questions regarding this report, please let us know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard H. Gilbert, Jr.", written in a cursive style.

Richard H. Gilbert, Jr., CPA  
Deputy State Auditor

RHGjr/trb

---

Independent Accountants' Report on Applying Agreed-Upon Procedures

Richard H. Gilbert, Jr., CPA  
Deputy State Auditor  
Office of the State Auditor  
Columbia, South Carolina

We have performed the procedures described below which were agreed to by the South Carolina Office of the State Auditor solely to assist these users in evaluating the performance of the City of Manning Municipal Court System and to assist the South Carolina Office of the State Auditor in complying with the 2006 - 2007 General Appropriations Act (H. 4810) Section 72.80. Russell Miller, Clerk of Court for the City of Manning, is responsible for compliance with the requirements for the Municipal Court reporting and the South Carolina Office of the State Auditor is responsible for compliance with the requirements of the 2006 - 2007 General Appropriations Act (H. 4810) Section 72.80. This engagement to apply agreed-upon procedures was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are as follows:

**1. TIMELY REPORTING BY THE CLERK OF COURT**

- We researched South Carolina Code of Laws Section 14-25-85 to determine the definition of timely reporting with respect to the Clerk of Court's responsibility for reporting fines, fees and assessments to the Municipal Treasurer.
- We inquired of the South Carolina Judicial Department to determine their requirements for both the manner in which partial pay fines and fees are to be allocated and the timing of the report and remittance submissions by the Clerk and the Treasurer.
- We inquired of the Clerk of Court and Municipal Treasurer to gain an understanding of their policy for ensuring timely reporting and to determine how the treasurer specifically documents timeliness.
- We inspected documentation, including the Clerk of Court Remittance Forms or equivalents for the months of April 1, 2006 to March 31, 2007 to determine if the Clerk of Court submitted the reports to the municipal treasurer in accordance with the law.

We found no exceptions as a result of the procedures.

## **2. TIMELY ACCURATE RECORDING AND REPORTING BY THE CITY**

- We traced each month's reporting by the Clerk of Court to the Municipal Treasurer's Office and to the City's general ledger accounts for the assessments (Sections 14-1-208(A), (B) and (D)) and victim assistance surcharge (Section 14-1-211) for the period April 1, 2006 – March 31, 2007.
- We compared the amounts reported on the Clerk of Court Remittance Forms or equivalents to the Clerk of Court's software system-generated report summaries for three judgmentally determined test months. We tested the system-generated reports for compliance with various laws including Section 35.11 of the General Appropriations Act for the fiscal year 2006 – 2007 and with South Carolina Judicial Department training instructions and interpretations.
- We judgmentally selected and compared individual fine and assessment amounts recorded in the Clerk of Court's software system-generated detail reports to the Judicial Department guidelines range for the offense code to see if the fine and assessment were within the minimum and maximum range.

Our finding is reported under "TIMELY ACCURATE RECORDING AND REPORTING BY THE CITY" in the Accountants' Comments section of this report.

## **3. PROPER VICTIM ASSISTANCE FUNDS ACCOUNTING**

- We inquired as to the format determined by City council and local policy for record keeping as it relates to fines and assessments in accordance with Section 14-1-208(E)(4).
- We compared the fiscal year-ended June 30, 2006 audited Victim Assistance Fund fund balance with all adjustments to the fund balance shown in the Schedule of Fines, Assessments and Surcharges of the audited financial statement and to the beginning fund balance as adjusted in that fund for fiscal year 2007.
- We judgmentally selected a sample of Victim Assistance Fund reimbursable expenditures and verified that these expenditures were in compliance with Section 14-1-208(E) and Section 14-1-211(B).

Our findings are reported under "PROPER VICTIM ASSISTANCE FUNDS ACCOUNTING" and "TIMELY ACCURATE REPORTING TO THE STATE TREASURER" in the Accountants' Comments section of this report.

#### 4. TIMELY ACCURATE REPORTING TO THE STATE TREASURER

- We vouched the amounts reported in the South Carolina State Treasurer's Revenue Remittance Forms to Clerk of Court Remittance Forms or equivalents for the period April 1, 2006 to March 31, 2007.
- We scanned the South Carolina State Treasurer's Revenue Remittance Forms for timely filing in accordance with Section 14-1-208(B).
- We traced amounts recorded in the City's financial statement Schedule of Fines, Assessments and Surcharges of the year ended June 30, 2006 report related to fines and assessments revenues reporting in accordance with Section 14-1-208(E) to supporting schedules used in the audit to comply with Section 14-1-208(E).
- We traced and agreed amounts in the supporting schedules to the Clerk of Court Remittance Forms or South Carolina State Treasurer's Revenue Remittance Forms.

Our findings are reported under "TIMELY ACCURATE REPORTING TO THE STATE TREASURER" in the Accountants' Comments section of this report.

We were not engaged to, and did not conduct an audit the objective of which would be the expression of an opinion on compliance with the collection and distribution of court generated revenue at any level of court for the twelve months ended March 31, 2007 and, furthermore, we were not engaged to express an opinion on the effectiveness of the internal controls over compliance with the laws, rules and regulations described in paragraph one and the procedures of this report. Had we performed additional procedures other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor, Chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, members of the Manning City Council, city clerk of court, city treasurer, State Treasurer, State Office of Victim Assistance, Chief Justice and the Office of the State Auditor and is not intended to be and should not be used by anyone other than these specified parties.



June 5, 2007

**ACCOUNTANTS' COMMENTS**

**CITY OF MANNING MUNICIPAL COURT  
MANNING, SOUTH CAROLINA**  
State Auditor's Report  
March 31, 2007

**VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS**

Management of the entity is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations. The procedures agreed to by the entity require that we plan and perform the engagement to determine whether any violations of State Laws, Rules, or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.

**CITY OF MANNING MUNICIPAL COURT  
MANNING, SOUTH CAROLINA**  
State Auditor's Report, Continued  
March 31, 2007

**TIMELY ACCURATE RECORDING AND REPORTING BY THE CITY**

ADHERENCE TO JUDICIAL DEPARTMENT FINE GUIDELINES

**CONDITION:** The Municipal Court Judge was not adhering to the Judicial Department minimum/maximum fine guidelines included in the laws.

**CRITERIA:** Judicial Department Guidelines for Fines – Minimums and Maximums. These guidelines are obtained from the minimum and maximum fines recorded in the respective laws.

**CAUSE:** The Judge did not use the current copy of the Judicial Department's fine guidelines.

**EFFECT:** By not assessing the minimum fines as required in the legislation, the City is violating the law.

**AUDITORS' RECOMMENDATION:** We recommend that the City judge comply with the law and use the current guidelines when assessing fines.

**PROPER VICTIM ASSISTANCE FUNDS ACCOUNTING**

IMPROPER DOCUMENTATION FOR DIRECT VICTIM SERVICES CRITERIA

**CONDITION:** The City has expended Victim Assistance funds and the invoices supporting these expenditures do not appear to substantiate compliance with the criteria for providing direct victim services. Instead the expenditures appear to be for routine law enforcement functions.

**CRITERIA:** The South Carolina Victim Assistance Network has supplied a list of 16 tier 1 items that qualify for direct victim services. This list is supplied as Attachment L in the Judicial Department memo from Robert McCurdy dated June 20, 2006 for the 2006-2007 fiscal year. This list gives an authoritative example of what meets the requirements of Article 15, Title 16 of the South Carolina Code of Laws.

**CAUSE:** The City did not understand that the Victim Assistance funds were to be spent only for direct victim services.

**EFFECT:** The City incorrectly charged normal operating expenditures to the Victim Assistance fund.

**AUDITORS' RECOMMENDATION:** The City should obtain the South Carolina Victim Assistance Network approved list and analyze its expenditures by comparing them with Attachment L and determining whether the expenditures met those criteria. If the City cannot document that the expenditures met the criteria of Attachment L, the City should reimburse the fund.

**TIMELY ACCURATE REPORTING TO THE STATE TREASURER**

TIMELY FILING

**CONDITION:** One of the twelve State Treasurer's Remittance Reports for the procedures period April 30, 2006 through March 31, 2007 was not timely filed. This report was 6 days late.

**CRITERIA:** South Carolina Code of Laws Sections 14-1-208 (B) states "The city treasurer must remit ... on a monthly basis by the fifteenth day of each month...."

**CITY OF MANNING MUNICIPAL COURT**  
**MANNING, SOUTH CAROLINA**  
State Auditor's Report, Continued  
March 31, 2007

**CAUSE:** The Clerk prepares the remittance form and the check to be sent to the State. Someone other than the clerk must sign the check and another person will mail it. This process may cause the reports to be late if people are not available when the report is ready to be mailed.

**EFFECT:** The City did not comply with the timely filing law.

**AUDITORS' RECOMMENDATION:** The City should develop and implement a policy whereby they can comply with State law.

**REQUIRED SUPPLEMENTAL SCHEDULE OF FINES AND ASSESSMENTS**

**CONDITION:** The required supplemental schedule of fines and assessments was not available for testing.

**CRITERIA:** South Carolina Code of Laws Section 5-7-240 requires an annual independent audit of each municipality. In conjunction with the annual audit Section 14-1-208(E) requires the Schedule of Fines and Assessments to be audited and an opinion rendered in relation to the annual financial statement audit.

**CAUSE:** The City's accounting records have not been audited since June 30, 2004. Because there has been no audit of the financial statements, the City has not prepared and submitted the supplemental schedule of fines and assessments as required by State law.

**EFFECT:** The City has not complied with the law related to annual audits or the required schedule of fines and assessments.

**AUDITORS' RECOMMENDATION:** To enhance public confidence the City should contract with an independent accounting firm to audit the financial activities of the City annually. The audit should be conducted in accordance with auditing standard generally accepted in the United States and include tests for compliance with State and local laws, rules, regulations and ordinances that are material to the financial statements.



*Kevin L. Johnson*  
Mayor

*Rebecca V. Rhodes*  
Administrator

**City of Manning**  
South Carolina

*Council*

*Johnny L. Gordon*  
Mayor Pro-tem

*Erwin L. Davis, Sr.*  
*Sherry A. Evans*  
*Diane D. Georgia*  
*Clayton Pack*  
*Gregory Witherspoon*

August 17, 2007

Mr. Rich Gilbert, CPA, Deputy State Auditor

Office of the State Auditor

1401 Main Street, Suite 1200

Columbia, SC 29201

Re: State Auditor's Report on Agreed-Upon Procedures

Dear Mr. Gilbert:

Below is the City of Manning's Response to the State Auditor's Report on Applying Agreed-Upon Procedures prepared by Cline Brandt Kochenower & Co., PA:

**Adherence to Judicial Department Fine Guidelines**

**Accountant's Comments:**

*The Judge did not use the current copy of the Judicial Department's fine guidelines.*

**City's Corrective Action:**

A corrected fine guideline form has been obtained and issued to the Municipal Judge and to the Police Officers.

**Improper Documentation for Direct Victim Services Criteria**

**Accountant's Comments:**

---

*Facsimile*  
*(803) 435-4608*

*Post Office Box 546*  
*Manning, SC 29102*

*Telephone*  
*(803) 435-8477*

*www.cityofmanning.org*

*The City did not understand that the Victim Assistance Funds were to be spent only for direct victim services.*

**City's Corrective Action:**

A copy of the South Carolina Victim Assistance Network's approval list has been obtained and given to the Finance Director and the Police Department to ensure that all purchases made with Victim's Assistance money are in compliance.

**Timely Filing**

**Accountant's Comments:**

*The City did not comply with timely filing law.*

**City's Corrective Action:**

Only one of State Treasurer's Remittance Reports was late during the procedures period. Although only one State Treasurers Remittance Report was late, the City will make a concerted effort to make sure that all future reports will be filed in a timely manner.

**Required Supplemental Schedule of Fines and Assessments**

**Accountant's Comments:**

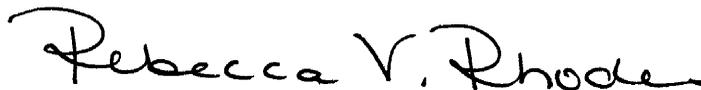
*The City has not complied with the law related to annual audits or the required schedule of fines and assessments.*

**City's Corrective Action:**

The firm McGregor & Associates has just completed the 2004-2005 Audit Report. This firm will be completing the 2005-2006 Audit Report and the 2006-2007 Audit Report during the fall of 2007.

The City of Manning is committed to following the agreed-upon procedures for processing fines. Please feel free to contact me should you have any further questions.

Kind Regards,



Rebecca V. Rhodes

City Administrator