

**McCORMICK COUNTY CIRCUIT, PROBATE
AND FAMILY COURT SYSTEMS**

McCORMICK, SOUTH CAROLINA

**INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON
PROCEDURES**

JUNE 30, 2017

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September 15, 2018

Ms. Gwendolyn Chiles, Clerk of Court
McCormick County
McCormick, South Carolina

Ms. Mary Shirley, Treasurer
McCormick County
McCormick, South Carolina

This report resulting from the application of agreed-upon procedures to the financial activity of the McCormick County Circuit, Probate and Family Court System as of and for the year ended June 30, 2017, was issued by Steven L. Blake, CPA, 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,

George L. Kennedy, III, CPA
State Auditor

GLKIII/sag

STEVEN L. BLAKE, CPA

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

September 15, 2018

Mr. George L. Kennedy, III, CPA
State Auditor
State of South Carolina
Columbia, South Carolina

Ms. Gwendolyn Chiles, Clerk of Court
Ms. Mary Shirley, Treasurer
McCormick County
McCormick, South Carolina

I have performed the procedures described below, which were agreed to by the South Carolina Office of the State Auditor and McCormick County Circuit, Probate and Family Court on the systems, processes, and behaviors related to court fines and fees of the McCormick County Circuit, Probate and Family Court for the period July 1, 2016 through June 30, 2017, in the areas addressed. McCormick County and the McCormick County Circuit, Probate and Family Court are responsible for the systems, processes and behaviors related to court fines and fees. The sufficiency of these procedures is solely the responsibility of the South Carolina Office of the State Auditor and the McCormick County Circuit, Probate and Family Court. Consequently, I 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 the associated findings are as follows:

1. **Clerk of Court**

- I gained an understanding of the policies and procedures established by the Clerk of Court to confirm timely reporting by the Clerk of Court's Office.
- I obtained the General Sessions Indictment Report for all cases for the period under inspection from the Clerk of Court. I judgmentally selected 20 General Sessions cases from the report. I recalculated the fine, fee, assessment and surcharge calculation to confirm that the fine, fee, assessment and surcharge were properly allocated in accordance with applicable State law and the South Carolina Court Administration fee memoranda.

Mr. George L. Kennedy, III, CPA, State Auditor
and
Ms. Gwendolyn Chiles, Clerk of Court
Ms. Mary Shirley, Treasurer
McCormick County
September 15, 2018

- I obtained the Common Pleas Cases Filed Report for all cases for the period under inspection from the Clerk of Court. I judgmentally selected 20 Common Pleas cases from the report. I recalculated the fees calculation to confirm that the fees were properly allocated in accordance with applicable State law and the South Carolina Court Administration fee memoranda.
- I obtained the Family Court Domestic Relations Roster by Case for all cases for the period under inspection from the Clerk of Court. I judgmentally selected 8 Family Court cases from the report. I recalculated the fees to confirm that the fees were properly allocated in accordance with applicable State law and the South Carolina Court Administration fee memoranda.
- I traced the court receipt transactions for all the above cases to confirm that the fine, fee, assessment and surcharge adhered to State law and the South Carolina Court Administration fee memoranda and that the receipts were deposited and allocated in accordance with applicable State law.

Findings

- ◇ The County does not have an adequate system in place to charge and collect the Public Defender Application Fee. Of the 20 General Sessions cases I inspected, 16 were assigned public defenders. Of those, 13 Public Defender Application Fees were not in accordance with applicable State law. Four had no application, no fee charged, and no fee collected; seven had an application on file but no fee charged or collected; two had an application in the file, a fee paid but no fee charged.
- ◇ The County Court Management System defaults to charging the 3% Scheduled Time Payment fee. Later however, when a fine is paid in full with one payment, the charge should manually be removed. In two instances I inspected, it was not. The defendant was overcharged.

Management Response

See pages seven through eleven.

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McCormick County
September 15, 2018

2. Probate Judge

- I gained an understanding of the policies and procedures established by the Probate Court to confirm proper accounting and timely reporting for marriage license fees.
- I obtained the beginning and ending marriage license numbers for all licenses applied for during the period under inspection from the Probate Judge. I selected all the marriage licenses from the report. I recalculated the fee calculation to confirm that the fee was properly allocated and submitted in accordance with applicable State law and the South Carolina Court Administration fee memoranda.

There were no findings as a result of these procedures.

3. County Treasurer

- I gained an understanding of the policies and procedures established by the County Treasurer to confirm timely reporting by the County.
- I inspected all monthly court remittance forms or equivalents to confirm that the forms were completed in accordance with instructions and submitted timely in accordance with State law.
- I agreed the amounts reported on the monthly remittance forms or equivalents to the Court's support.
- I inspected the County's support to confirm that the County properly classified fine, fee, assessment, and surcharge receipts.
- I inspected all State Treasurer's Revenue Remittance Forms for the period July 1, 2016 through June 30, 2017 and agreed the amounts reported on the State Treasurer's Revenue Remittance Forms to the court remittance forms or equivalents for all twelve months.
- I agreed the amounts reported by the County on its supplementary schedule of fines and assessments, as reported in the annual financial statement audit, for the period July 1, 2016 through June 30, 2017, to the County's support.

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and
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Ms. Mary Shirley, Treasurer
McCormick County
September 15, 2018

- I inspected the County's supplementary schedule of fines and assessments, as reported in the annual financial statement audit, to confirm that it contained all the elements required by State law.

Findings

- ◇ The supplementary schedule in the audited financial statement for the period ended June 30, 2017 was not supported by the County's submitted revenue remittance forms or the County's general ledger. Specifically, total collections did not agree. Also, the Clerk of Court's total collections, including assessments and surcharges, was improperly labeled "Court Fines Retained by County".

4. Victim Assistance

- I gained an understanding of the policies and procedures established by the County to confirm proper accounting for victim assistance funds.
- I made inquiries and confirmed that any funds retained by the County for victim assistance were deposited into a separate account.
- I judgmentally selected thirteen expenditures to confirm that the County expended victim assistance funds in accordance with State law and the South Carolina Court Administration fee memoranda.
- I inspected the County's victim assistance financial activity on the supplementary schedule of fines and assessments, as reported in the annual financial statement audit, and confirmed that it was in compliance with applicable State law.
- I agreed the amounts reported by the County on its supplementary schedule of fines and assessments, as reported in the annual financial statement audit, applicable to the Victim Assistance Fund, to the County's general ledger or subsidiary ledgers or equivalent.
- I inspected the County's victim assistance account to confirm the Victim Assistance fund balance was retained as of July 1 from the previous fiscal year in accordance with State law.

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and
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September 15, 2018

I found no exceptions as a result of the procedures.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. I was not engaged to and did not conduct an examination or review, the objective of which would be an opinion or conclusion, respectively, on the systems, processes, and behaviors related to court fines and fees of the McCormick County Circuit, Probate and Family Court. Accordingly, I do not express an opinion or conclusion. Had I performed additional procedures, other matters might have come to my attention that would have been reported to you.

This report is intended solely for the information and use of the Governor, Chairman of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, members of the McCormick County Council, McCormick County Clerk of Court, McCormick County Treasurer, State Treasurer, Department of Crime Victim Compensation, South Carolina Commission on Indigent Defense and the Chief Justice and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

Steven L. Blake, CPA

*Gwendolyn D Chiles, Clerk of Court
133 South Mine Street Rm 102
McCormick, SC 29835
864-852-2195*

October 01,2018

George L. Kennedy **111** CPA
State Auditor
State of South Carolina
Columbia, SC

Dear Mr. Kennedy,

The Clerk of Court's procedure prior to September 2018 for The Public Defender's Office to represent a defendant for criminal charges in General Sessions Court. When warrants are transmitted from the McCormick Magistrates Office, the Magistrate screens all defendants that wish to be represented by the Public Defender's Office. They are instructed at the time the application is signed, they have 15 days to pay the forty (\$40) dollars to the Clerk of Court's Office. Once warrants are loaded in the system in the McCormick Clerk of Court's Office, the public defender is added to the case as a party. If payment is not paid within the 15 days, a letter on bright colorful paper is attached to the warrant or warrants to alert the presiding Judge that the forty (\$40) dollar fee has not been paid. If the Judge marks the appropriate box on the sentence sheet to collect the forty (\$40) dollars application fee, it is included in the court fine. If a defendant is in court and is not represented by legal counsel, the Judge will appoint the public defender's office to represent the defendant. If that occurs a application and the forty (\$40) dollar fee may not get collected. This does occasionally happen with defendants from South Carolina Department of Corrections and also Probation Violations. As of September 2018 we have made a few changes and the procedure is as follows.

- When warrants are received from McCormick Magistrate's Office and have been screened and qualified for the Public Defender, at that time the Public Defender is made a party to the case. The defendant is instructed to pay the forty (\$40) dollar application

fee to the Clerk of Court's Office. A letter is mailed to the defendant as a reminder that the fee is due and a copy is put with the warrants. Also a letter on bright colorful paper is attached to the warrant or warrants to alert the presiding Judge that the forty (\$40) dollar fee has not been paid. See Example 1

- When the application fee is paid, a copy of the receipt is retained and put with warrants showing the payment has been made.
- If application fee has not been paid in 15 days, a letter that is copied on bright colored paper is attached and is handed up to the Judge during the plea or trial alerting the Judge the application fee has not been paid. If Judge marks the correct box on sentence sheet for this particular fee, we will add it to the court fine. See Example 2
- When the Judge appoints representation of the Public Defender for a defendant, that defendant will complete an application and put with warrants along with a copy of the receipt showing the application fee of forty (\$40) has been paid. **If the presiding Judge adds it to the appropriate place on sentence sheet to be paid with court fine, it will be added there instead.** See Example 3

Sincerely,
Gwendolyn D. Chiles
McCormick Clerk of Court

Example

McCormick County Clerk of Court

Buffey F. Hodges, Deputy Clerk of Court

bhodges@mccormickcountysc.org

133 S. Mine Street, Room 102

McCormick, SC 29835

864-852-2195 Phone

864-852-0071 Fax

Date: _____

Defendant: _____

Our records indicate that you applied for the Public Defender, and you were instructed to pay the \$40.00 application fee as part of your bond within 15 days of your release. **FAILURE TO PAY THE \$40.00 MAY RESULT IN YOUR BOND BEING REVOKED.** This fee is due immediately and needs to be paid. We accept cash or money orders, and you can mail your \$40.00 payment to the address below. Please put your full name, address, and phone number when sending in your Public Defender Application Fee. Our Office is open 5 days a week from 9am until 5pm each day.

McCormick Clerk of Court
133 South Mine St. Rm 102
McCormick, SC 29835

Thanks in Advance,

Buffey F. Hodges
Deputy Clerk of Court

WAIVER

\$40.00

PUBLIC DEFENDER APPLICATION FEE

*Pursuant to §17-3-30: “If the clerk or other appropriate official determines that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial Judge upon sentencing and the trial Judge shall order the remainder of the fee paid during probation if the person is granted probation.”

Example 3

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF _____

STATE _____

VS.

INDICTMENT/CASE#: _____-GS-_____

AKA: _____

AIW#: _____

Race: _____ Sex: _____ Age: _____

Date of Offense: _____

DOB: _____ SS#: _____

S.C. Code§: _____

Address: _____

CDR Code#: _____

City, State, Zip: _____

SENTENCE SHEET

DL# _____ * SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: _____

CONVICTED OF or PLEADS

In violation of§ _____ of the S.C. Code of Laws, bearing CDR Code# _____

NON-VIOLENT-;=0;----cV:::|:::O=-L=EN:::T=---,0;=-;--=E=R:-=I OUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1"to CSC w/minor 3'd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor SC Bar# Defendant Attorney for Defendant SC Bar# WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of\$ _____ ; provided that upon the service of _____ days/months/years and or payment of\$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ _____ days/hours Public Service Employment

Payment Terms: _____

Set by SCDPPPS

Obtain GED Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning Substance Abuse Counseling _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ _____

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court/Deputy Clerk _____

Court Reporter: _____

Random Drug/Alcohol Testing Fine may be pd. in equal consecutive weekly/monthly pmts. ofj_ _____ Beging \$ _____ Paid to Public Defender Fun

Other: _____

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge _____

Judge Code: _____

Sentence Date _____