

**ATLANTIC BEACH MUNICIPAL COURT
ATLANTIC BEACH, SOUTH CAROLINA**

STATE AUDITOR'S REPORT

JUNE 30, 2018

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May 23, 2019

Ms. Kim Munjas, Municipal Clerk of Court
The Honorable Margie B. Livingston, Municipal Judge
Town of Atlantic Beach Municipal Court
Atlantic Beach, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Atlantic Beach Municipal Court as of and for the year ended June 30, 2018, was issued by Steven L. Blake, CPA, 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,

George L. Kennedy, III, CPA
State Auditor

GLKIII/sag

STEVEN L. BLAKE, CPA

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

May 23, 2019

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

Ms. Kim Munjas, Municipal Clerk of Court
The Honorable Margie B. Livingston, Municipal Judge
Town of Atlantic Beach Municipal Court
Atlantic Beach, South Carolina

I have performed the procedures described below, which were agreed to by the South Carolina Office of the State Auditor and Town of Atlantic Beach, on the systems, processes, and behaviors related to court fines and fees of the Town of Atlantic Beach Municipal Court for the period July 1, 2017 through June 30, 2018, in the areas addressed. The Town of Atlantic Beach and the Atlantic Beach Municipal 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 Town of Atlantic Beach and the Town of Atlantic Beach Municipal Court. Consequently, I make no representation regarding the sufficiency of the procedures described below either for the purpose for which the agreed-upon procedures report has been requested or for any other purpose.

The procedures and the associated findings are:

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 court dockets or equivalents from the Clerk of Court. I judgmentally selected 15 of approximately 150 cases from the court dockets and I confirmed the fine assessed adhered to State law. I also recalculated the fine, fee, assessment and surcharge calculation to confirm that the fine, fee, assessment and surcharge were properly calculated and allocated under applicable State law and the South Carolina Court Administration fee memoranda.
- I inspected the court receipt transactions for the above cases to confirm that the fine, fee, assessment and surcharges assessed adhered to State law and the South Carolina Court Administration fee memoranda and that the receipts were allocated under applicable State law.

Mr. George L. Kennedy, III, CPA, State Auditor
And
Ms. Kim Munjas, Municipal Clerk of Court
The Honorable Margie B. Livingston, Municipal Judge
Town of Atlantic Beach Municipal Court
May 23, 2019

Findings

Adherence to Fine Guidelines

○ The Court fined one defendant \$4.82 for Speeding less than 10 mph over the limit. Section 56-5-1520 of the 1976 South Carolina Code of Laws, as amended, states, "A person ... must be fined or imprisoned as follows: ... (1) in excess of the above posted limit but not in excess of ten miles an hour by a fine of not less than fifteen dollars nor more than twenty five dollars;"

○ The Court fined one defendant \$469.88 for Driving Under Suspension **[DUS]** not Suspended for DUI – 2ND Offense. Section 56-1-460(A)(2) of the 1976 South Carolina Code of Laws, as amended, states, "a person...be punished as follows: (b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months."

○ The Court fined one defendant \$101.21 for disorderly conduct. Section 16-17-530 of the 1976 South Carolina Code of Laws, as amended, states, "Any person who shall (a) be found ... conducting himself in a disorderly or boisterous manner ... upon conviction shall be fined not more than one hundred dollars."

○ The Court fined one defendant \$9.64 for Driving Under Suspension **[DUS]** Suspended for DUI – 1ST Offense. Section 56-1-460(A)(2) of the 1976 South Carolina Code of Laws, as amended, states, "a person...be punished as follows: (a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;"

2. Municipal Treasurer

- I gained an understanding of the policies and procedures established by the Municipal treasurer to confirm timely reporting by the Municipality.
- 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 compared and agreed the amounts reported on the monthly remittance forms or equivalents to the Municipality's support.
- I inspected the Municipality's support to confirm that the Municipality properly classified fine, fee, assessment, and surcharge receipts.
- I inspected all State Treasurer's Revenue Remittance Forms **[STRRF]** for the period July 1, 2017 through June 30, 2018 and agreed the amounts reported on the State Treasurer's Revenue Remittance Forms to the court remittance forms or equivalents.

Mr. George L. Kennedy, III, CPA, State Auditor
And
Ms. Kim Munjas, Municipal Clerk of Court
The Honorable Margie B. Livingston, Municipal Judge
Town of Atlantic Beach Municipal Court
May 23, 2019

- I agreed the amounts reported by the Municipality on its supplemental schedule of fines and assessments, as reported in the latest annual financial statement audit, for the period July 1, 2017 through June 30, 2018, to the Municipality's general ledger.

- I inspected the Municipality's supplemental 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. The June 30, 2018 annual financial statement audit was the latest audit.

Findings

Timely Submission of State Treasurer's Revenue Remittance Form

The Town submitted four STRRF late. The STRRF were submitted between 1 day and 41 days late.

Unpaid State Treasurer's Revenue Remittance Form

The Town could not provide evidence that an additional May 2018 STRRF prepared for corrections to May collections was ever submitted and paid. The balance owed the State is \$71.80.

3. Victim Assistance

- I gained an understanding of the policies and procedures established by the Municipality to confirm proper accounting for victim assistance funds.

- I made inquiries and confirmed that any funds retained by the Municipality for victim assistance were deposited into a separate account.

- I selected all expenditures to confirm that the Municipality expended victim assistance funds in accordance with State law and the South Carolina Court Administration fee memoranda.

- I inspected the Municipality's victim assistance financial activity on the supplemental schedule of fines and assessments, as reported in the annual financial statement audit, and confirmed that it adhered to and included items required by State law. The June 30, 2018 annual financial statement audit was the latest audit.

- I agreed the amounts reported by the Municipality on its supplemental schedule of fines and assessments, as reported in the annual financial statement audit applicable to the Victim Assistance Fund, to the Municipality's general ledger or subsidiary ledgers or equivalent support. The June 30, 2018 annual financial statement audit was the latest audit.

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And
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- I inspected the Municipality'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.

Findings

The Town has not submitted the May 2018 and June 2018 collections for Victim Assistance to Horry County the entity contracted with for Victim Services. The total for May and June is \$203.96.

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 Town of Atlantic Beach Municipal 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, Chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, members of the Atlantic Beach Municipal Council, Atlantic Beach Municipal Clerk of Court, Atlantic Beach Municipal Treasurer, State Treasurer, Department of Crime Victim Compensation, 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