

**WEST PELZER MUNICIPAL COURT
WEST PELZER, SOUTH CAROLINA**

STATE AUDITOR'S REPORT

JUNE 30, 2019

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October 29, 2019

The Honorable Mary F. Cole, Chief Judge
Ms. Paula Payton, Municipal Treasurer
West Pelzer Municipal Court
West Pelzer, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the West Pelzer Municipal Court System as of and for the year ended June 30, 2019, 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

October 29, 2019

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

The Honorable Mary F. Cole, Chief Judge
Ms. Paula Payton, Town Clerk
West Pelzer Municipal Court
West Pelzer, South Carolina

I have performed the procedures described below, which were agreed to by the South Carolina Office of the State Auditor and the Town of West Pelzer, on the systems, processes, and behaviors related to court fines and fees of the West Pelzer Municipal Court for the period July 1, 2018 through June 30, 2019, in the areas addressed. The Town of West Pelzer and the West Pelzer 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 West Pelzer and the West Pelzer Municipal Court. Consequently, I make no representation regarding the sufficiency of the procedures described below either for the purpose for which this agreed-upon procedures 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 court dockets or equivalents from the Clerk of Court. I judgmentally selected 25 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 in accordance with applicable State law and the South Carolina Court Administration fee memoranda.

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and
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- 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 in accordance with applicable State law.

Findings

Adherence to Fine Guidelines

The Court fined four defendants amounts ranging from \$132.53 to \$304.82 for Driving Under Suspension [DUS]. Section 56-5-2930(A) of the 1976 South Carolina Code of Laws, as amended, states, "A person who violates the provisions of this section... must be punished as follows: (1) ... for a first offense, by a fine of three hundred dollars...".

The Clerk stated that the judge had reduced the fine during sentencing for one of the fines and the other three fines were incorrect due to rounding errors in the total fine amounts.

Installment Fee

The Court did not assess and collect the three percent installment fee from individuals who paid in installments. Section 14-17-725 of the 1976 South Carolina Code of Laws, as amended, states, "Where criminal fines, assessments, or restitution payments are paid through installments, a collection cost charge of three percent of the payment also must be collected by the clerk of court, magistrate, or municipal court from the defendant...".

The Clerk stated personnel was unsure of how to assess the installment fee using the Court's software and training would be sought to correctly assess and collect the fee in the future.

Driving Under Suspension [DUS] Pullout

The Court sentenced one individual to court costs for Driving Under Suspension [DUS]. However, the judge was unaware of the procedure to remove the Fine Pullout and included it as part of the total court costs. The \$100 Pullout allocation should not have been part of the court costs.

The judge stated that she is now aware of the procedure for sentencing court costs only and this should not happen again.

2. Municipal Treasurer

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- 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 for the State Treasurer's Revenue Remittance Forms **[STRRF]** for the period July 1, 2018 through June 30, 2019.
- I inspected the Municipality's support to confirm that the Municipality properly classified fine, fee, assessment, and surcharge receipts.
- I inspected all STRRF for the period July 1, 2018 through June 30, 2019 and agreed the amounts reported on the STRRF to the court remittance forms or equivalents.
- I compared and agreed the amounts reported by the Municipality on its Supplemental Schedule, 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 or equivalent support. I inspected the Municipality's Supplemental Schedule, as reported in the annual financial statement audit, to confirm that it contained all the elements required by State law.

I found no exceptions as a result of the procedures.

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, Attachment L.
- I inspected the Municipality's victim assistance financial activity on the Supplemental Schedule, as reported in the annual financial statement audit, for the period July 1, 2017 through June 30, 2018 and confirmed that it adhered to and included items required by State law.
- I compared and agreed the amounts reported by the Municipality on its Supplemental Schedule, as reported in latest the annual financial statement audit

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applicable to the Victim Assistance Fund, to the Municipality's general ledger or equivalent support.

- 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.

Supplemental Schedule

The Supplemental Schedule did not report Victim Assistance revenue collected for the fiscal year ended June 30, 2018 as a separate line item.

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 West Pelzer 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 West Pelzer Municipal Council, West Pelzer Municipal Clerk of Court, West Pelzer 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