

**ESTILL MUNICIPAL COURT
ESTILL, SOUTH CAROLINA**

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

JUNE 30, 2019

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February 14, 2020

Ms. Britney Allen, Town Clerk
Ms. Edna O'Banner, Town Treasurer
Town of Estill
Estill, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Estill Municipal Court System as of and for the period July 1, 2018 through June 30, 2019, 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

February 14, 2020

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

Ms. Britney Allen, Town Clerk
Ms. Edna O'Banner, Town Treasurer
Town of Estill
Estill, 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 Estill, on the systems, processes, and behaviors related to court fines and fees of the Estill Municipal Court for the period July 1, 2018 through June 30, 2019, in the areas addressed. The Town of Estill and the Estill 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 Estill and the Estill 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.

Mr. George L. Kennedy, III, CPA
and
Ms. Britney Allen, Town Clerk
Ms. Edna O'Banner, Town Treasurer

- 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 one defendant \$445 for parking in a handicapped parking space and did not impose assessments. Section 56-3-1970 of the 1976 South Carolina Code of Laws, as amended, sets the minimum fine for this offense at \$500. Attachment N of the South Carolina Court Administration fee memoranda dated July 3, 2018 excludes this fine from the assessments and surcharges.

- The Court fined one defendant \$32.53 for Driving Under Suspension [DUS]. Section 56-5-2930(A) of the 1976 South Carolina Code of Laws, as amended, states, "...a person who drives a motor vehicle ... when the person's license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows: (1) ... for a first offense, by a fine of three hundred dollars...".

- The Court fined one defendant \$900 for Driving Under Suspension [DUS] 3rd Offense. Section 56-01-0460(a)(1)(c) of the 1976 South Carolina Code of Laws, as amended, states, "...a person who drives a motor vehicle ... when the person's license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows: ...

- (c) for a third or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days ..."

- The Court fined one defendant \$1,000 for Assault & Battery, 3rd Degree. Section 16-3-600(E) of the 1976 South Carolina Code of Laws, as amended, sets the fine range at \$0 - \$500.

- The Court fined one defendant \$237.50 for Unattended Vehicle and did not impose assessments. Section 56-5-6190 of the 1976 South Carolina Code of Laws, as amended, states, "For a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days." Attachment N of the South Carolina Court Administration fee memoranda dated July 3, 2018 does not exclude this fine from the assessments and surcharges.

Mr. George L. Kennedy, III, CPA
and
Ms. Britney Allen, Town Clerk
Ms. Edna O'Banner, Town Treasurer

The Clerk stated she was hired after the procedures period and was not familiar with the Court or Clerk procedures during the procedures period.

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 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.
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- 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, 2018 through June 30, 2019, 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.

Findings

Mr. George L. Kennedy, III, CPA
and
Ms. Britney Allen, Town Clerk
Ms. Edna O'Banner, Town Treasurer

Timely, Accurate Filing

o The November and December STRRF were submitted 38 and 39 days late, respectively.

The Treasurer stated she became involved in management when the Town Administrator resigned in December and was not able to submit the STRRF timely.

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, 2018 through June 30, 2019, 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 the latest annual financial statement audit 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.

Findings

Victim Assistance Deposits

The December 2018 deposit for Victim Assistance was not made during the procedures period. The deposit for \$354.05 was prepared during the procedures fieldwork.

Supplementary Schedule

I was provided the Town's financial statements for the year ended June 30, 2019, the latest available audited statement, which contained a schedule of court fines, assessments and surcharges.

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and
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The schedule's expenses and beginning fund balance did not agree to the general ledger.

Victims' Assistance Expenses

The Town over reimbursed the Victim Advocate salary and benefits \$690.91 based on a calculation error.

The Treasurer has since corrected the error and stated the fund will be reimbursed.

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 Estill 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 Estill Municipal Council, Estill Municipal Clerk of Court, Estill 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