

**CHEROKEE COUNTY MAGISTRATES' COURT**

**GAFFNEY, SOUTH CAROLINA**

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

**FOR THE YEAR ENDED JUNE 30, 2019**

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April 6, 2020

The Honorable Julian K. Wright, Chief Magistrate  
Ms. Jackie Williams, Treasurer  
Cherokee County  
Gaffney, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Cherokee County Magistrate 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/cmw

# STEVEN L. BLAKE, CPA

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

April 6, 2020

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

The Honorable Julian K. Wright, Chief Magistrate  
Cherokee County Magistrate Court System

The Honorable Jackie Williams, Treasurer  
Cherokee County  
Gaffney, South Carolina

I have performed the procedures described below, which were agreed to by the South Carolina Office of the State Auditor, County of Cherokee and the Cherokee County Magistrate Courts, on the systems, processes, and behaviors related to court fines and fees of the Cherokee County Magistrate Court System for the period July 1, 2018 through June 30, 2019, in the areas addressed. The County of Cherokee and the Cherokee County Magistrate Court System 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 Cherokee County Magistrate Court System. 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. Cherokee County Magistrate Clerk of Court**

- I gained an understanding of the policies and procedures established by the Chief Magistrate's Clerk of Court to confirm timely reporting by the Clerk of Court's Office.
- I obtained the court dockets or equivalents from the Magistrate's Clerk of Court for Gaffney and Blacksburg Criminal Courts. I judgmentally selected 25 cases from each court docket, 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, State Auditor  
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and

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- I inspected the 50 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.
- I obtained the population of case numbers for all new cases filed in Gaffney and Blacksburg Magistrates' Civil Court during the period under review from the Cherokee County Magistrate Clerk of Court. I judgmentally selected 25 case numbers from each court to determine that filing fees adhered to State law and the South Carolina Judicial Department memo, attachment K.
- I inspected the 50 judgmentally selected, recorded court receipt transactions in the magistrate court to determine that the receipts were remitted in a timely manner to the County Treasurer and in accordance with State law.
- I agreed all amounts reported on the monthly court transmittal reports to the Court's summary cash receipt report or equivalent.

## **Findings**

### **Criminal Cases - Blacksburg Traffic Court**

#### **Data Input Error**

The Court fined one defendant \$200 for a Violation of Safety Rules – Motor Carriers of Section 58-23-80(A) of the 1976 South Carolina Code of Laws. However, the written ticket violation section was 56-5-4160. This appears to be a data input error as the maximum fine for a Section 58-23-80(A) violation is \$100.

The Chief Magistrate stated that the violation listed in Case Management [**CMS**] was incorrect. The ticket listed the violation code section as 56-5-4160 and section D)(1) states, "A person who operates a vehicle found to have out-of-service violations, ... is guilty of a misdemeanor and, upon conviction, shall pay to the Department of Public Safety a fine of two hundred dollars." This was an input error.

### **Adherence to Fine Guidelines**

#### **Fraudulent Check Writing**

The Court fined one defendant \$0 for Fraudulent Check Writing. Section 34-11-90 of the 1976 South Carolina Code of Laws states, "(a) Convictions in a magistrates court are punishable as follows: (1) for a first conviction, if the amount of the instrument is five hundred dollars or less, by a fine of not less than fifty dollars nor more than two hundred dollars or

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by imprisonment for not more than thirty days;”

The Chief Magistrate stated that the Court had incorrectly reduced the total fine to \$50. By so doing, no revenue was allocated to the fine portion.

### **Open Container**

The Court fined one defendant \$187.96 for Open Container. Section 61-6-4020 of the 1976 South Carolina Code of Laws states a defendant “(A) must be fined not more than one hundred dollars ...”.

The Chief Magistrate stated the deputy sheriff had written the ticket bond amount at \$440. The bond amount should have been \$257.50. Tickets are electronically transmitted into CMS. Officers must write the correct fine on the ticket and if they don’t, the Magistrate’s office must check to ensure the fine is correct when transferring the ticket into CMS.

### **Speeding**

The Court fined one defendant \$0 for Speeding less than 10mph over the limit. Section 56-5-1520 of the 1976 South Carolina Code of Laws states, “A person violating the speed limits ... 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 Chief Magistrate stated the Court and the defendant’s attorney agreed to plea bargain this case to a \$25 total fine. The minimum total fine however is \$56.13 and therefore the agreement should have been for an amount no less than \$56.13.

### **Driving Under Suspension**

The Court fined one defendant \$108.44 for Driving Under Suspension [**DUS**]. Section 56-1-460 of the 1976 South Carolina Code of Laws states, “a person who drives a motor vehicle on a public highway of this State when the person's license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;”

The Chief Magistrate stated the Court reduced the total fine to \$250. The Court now realizes it cannot reduce the fine below \$300.00 plus assessments.

The Court fined another defendant \$299.76 for **DUS**.

The Chief Magistrate stated the Court reduced the total fine to \$647. The Court now realizes it cannot reduce the fine below \$300 plus assessments.

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### **Simple Possession of Marijuana**

The Court fined one defendant \$2.41 for Simple Possession. Section 44-53-370 of the 1976 South Carolina Code of Laws states, "Any person who violates subsection (c) ... must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars."

The Chief Magistrate stated the Court reduced the total fine to \$205. The Court now realizes it cannot reduce the fine below \$100.00 plus assessments.

### **County Dog Regulations**

The Court fined one defendant \$2.41 for County Dog Regulations. Section 47-03-0050(A) of the 1976 South Carolina Code of Laws states, "Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense ...".

The Chief Magistrate stated the Court reduced the total fine to \$50. The Court now realizes it cannot reduce the total fine below \$153.75.

### **Proof of Insurance**

The Court fined one defendant \$102.17 for Proof of Insurance. Section 56-3-2520 of the 1976 South Carolina Code of Laws states, "Every person convicted of a misdemeanor for violation of any provisions of this chapter shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days."

The Chief Magistrate stated the deputy sheriff had written the ticket bond amount at \$237. The bond amount should have been \$232.50. Tickets are electronically transmitted into CMS. Officers must write the correct fine on the ticket and if they don't, the Magistrate's office must check to ensure the fine is correct when transferring the ticket into CMS.

## **Criminal Cases - Gaffney Traffic Court**

### **Adherence to Fine Guidelines**

#### **Simple Possession of Marijuana**

The Court fined one defendant \$96.38 for Simple Possession. Section 44-53-370 of the 1976 South Carolina Code of Laws states, "Any person who violates subsection (c) ... must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars."

The Chief Magistrate stated the Court reduced the fine to \$96.38. The Court now realizes it cannot reduce the fine below \$100.00 plus assessments.

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### **Driving Under Suspension**

The Court fined one defendant \$299.76 for Driving Under Suspension [**DUS**]. Section 56-1-460 of the 1976 South Carolina Code of Laws states, “a person who drives a motor vehicle on a public highway of this State when the person's license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;”

The Chief Magistrate stated the Court reduced the total fine to \$647. The Court now realizes it cannot reduce the fine below \$300 plus assessments.

### **Hunting Without a License**

The Court fined one defendant \$299.76 for Hunting Without a License. Section 50-09-0010 of the 1976 South Carolina Code of Laws states, “A person convicted of violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars...”.

The Chief Magistrate stated the Court reduced the total fine to \$81. The Court now realizes it cannot reduce the total fine below \$153.75.

The Chief Magistrate summarized the corrective actions going forward. All officers who write tickets for Gaffney Magistrate and Blacksburg Magistrate courts will be made aware of the importance of writing the correct fines on the ticket. Also, clerks must recognize fines that are above the maximum fine for the charge and correct the amount when it is entered into CMS.

Also going forward, Department of Natural Resources (DNR) officers and troopers must enter the correct minimum to maximum fine for the minimum-maximum disbursement to be met. For example, DUS 1<sup>st</sup> must be written for a \$647.50 fine; not \$647.00. As another example, Hunting without a License, must be written for a minimum \$153.75 and a maximum \$1087.50 fine, not \$81.00 or \$105.00.

Lastly, Courts must not reduce a charge to an amount that falls below the minimum fine amount; whether it's the General fund, DNR Fines, or the DUS Pullout \$100.00 State Treasurer amount.

## **2. County Treasurer**

- I gained an understanding of the policies and procedures established by the County Treasurer to determine timely reporting by the County.

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- I obtained copies of all State Treasurer's Revenue Remittance Forms [**STRRF**]
- submitted by the County which reported court generated monies for the period July 1, 2018 through June 30, 2019. I agreed the line item amounts reported on the STRRF to the monthly court remittance reports, general ledger, and to the State Treasurer's receipts.
- I confirmed that the STRRF were submitted in a timely manner to the State Treasurer in accordance with State law.
- I inspected amounts reported by the County on its supplemental schedule of fines and assessments, as reported in the annual financial statement audit, for the period July 1, 2016 through June 30, 2017, the latest available audited financial statement, to confirm they agreed or reconciled to the County support and that the supplementary schedule contained all the elements required by State law.

#### **Finding:**

##### **Timely Submission of State Treasurer's Revenue Remittance Form**

The County Treasurer submitted three STRRF between three and four days after the date required by State law.

#### **3. 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 selected victim advocate salary expenditures to confirm that the County expended victim assistance funds in accordance with State law and South Carolina Court administration fee memoranda.
- I inspected the supplementary schedule to confirm the County reported victim assistance financial activity on the supplemental schedule of fines and assessments in accordance with State law and to confirm expenses in the County's annual audit report for the period July 1, 2016 through June 30, 2017 agreed or reconciled to the County support.
- I inspected the County's victim assistance general ledger account to confirm the Victim

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Assistance fund balance was retained as of July 1 from the previous fiscal year in accordance with State law.

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 a review, the objective of which would be the expression of an opinion or conclusion, respectively, on the systems, processes, and behaviors related to court fines and fees. Accordingly, I do not express such 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 Cherokee County Council, Cherokee County Clerk of Court, Cherokee County Magistrate's Office, Cherokee County Finance Director, Cherokee County Treasurer, State Treasurer, Office of Attorney General Department of Crime Victims Compensation, the Chief Justice, and the South Carolina Office of the State Auditor, 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*