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*City of Newberry Municipal Court*

Newberry, South Carolina

Independent Accountant's Report on Applying Agreed-Upon  
Procedures for the year ended June 30, 2020



April 22, 2021

Mr. George Foster Senn, Mayor  
City of Newberry  
Newberry, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the City of Newberry Municipal Court System as of and for the period July 1, 2019 through June 30, 2020, was issued by Brown CPA, LLC, 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

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# BROWN CPA, LLC

## Independent Accountant's Report on Applying Agreed-Upon Procedures

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

Mr. George Foster Senn, Mayor  
City of Newberry  
Newberry, South Carolina

We have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the City of Newberry Municipal Court for the period July 1, 2019 through June 30, 2020, in the areas addressed. The City of Newberry Municipal Court (the "Municipality") is responsible for the systems, processes, and behaviors related to financial activity.

The South Carolina Office of the State Auditor has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of the systems, processes and behaviors related to financial activity for the period July 1, 2019 through June 30, 2020. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, user are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and the associated findings are as follows:

### 1. Clerk of Court

- We obtained the court dockets or equivalents from the Clerk of Court. We randomly selected twenty-five cases from the court dockets and 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.
- We randomly selected twenty-five court receipt transactions to confirm that the fee, fine, assessment and surcharge adhered to State law and the South Carolina Court Administration fee memoranda and that the receipts were allocated in accordance with applicable State law.

### Finding:

1. For two of the twenty-five court receipts the incorrect fine was assessed.
  - a. An individual was charged for driving under suspension 1<sup>st</sup> for a fixed period and assessed a fine of \$647; South Carolina Code of Laws section 56-1-460(A)(1)(a) specifies that the fine should be \$647.50.
  - b. An individual was charged for operating uninsured vehicle 1<sup>st</sup> and assessed a fine of \$232; South Carolina Code of Laws section 56-10-520 specifies that the fine should be not less than \$232.50 and not more than \$440.00.

**Management Response** – See Attachment A.

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MEMBER:  
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS



## 2. **Municipal Treasurer**

- We 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.
- We agreed amounts reported on the monthly remittance forms or equivalents to the Municipality's support.
- We inspected the Municipality's support to confirm that the Municipality properly classified fine, fee, assessment, and surcharge receipts.
- We inspected all State Treasurer's Revenue Remittance Forms ("STRRF") for the period July 1, 2019 through June 30, 2020 and agreed the amounts reported on the STRRF to the court remittance forms or equivalents.

### **Finding:**

1. Three of the twelve monthly STRRF were submitted to the State Treasurer's Office between 1 and 2 days past the required due date. Section 14-1-208(A) of the 1976 South Carolina Code of Laws, as amended, states "...this assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer." Section 14-1-208(B) of the 1976 South Carolina Code of Laws, as amended, requires the Town to remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month and make reports on a form and in a manner prescribed by the State Treasurer.

**Management Response** – See Attachment A.

## 3. **Victim Assistance**

- We made inquiries and confirmed that any funds retained by the Municipality for victim assistance were deposited into a separate account.
- We randomly selected twenty-five expenditures to confirm that the Municipality expended victim assistance funds in accordance with State law and South Carolina Court Administration fee memoranda.
- We 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.

We found no exceptions as a result of the procedures.

#### 4. Uniform Schedule of Court Fines, Assessments and Surcharges

- We agreed amounts reported by the Municipality on its Uniform Schedule of Court Fines, Assessments and Surcharges (“Uniform Schedule”), as reported in the annual financial statement audit, for the period July 1, 2019 through June 30, 2020, to the Municipality’s general ledger.
- We inspected the Municipality’s Uniform Schedule of Court Fines, Assessments and Surcharges, as reported in the annual financial statement audit, to confirm that it contained all the elements required by South Carolina Code of Laws Section 14-1-208.

**Finding:** The amounts reported in the Uniform Schedule, as reported in the annual financial statement audit, did not agree with the underlying records. The City of Newberry Municipal Court properly collected and remitted all amounts due to the South Carolina Office of the State Treasurer, however the Uniform Schedule to the financial statement audit for the year ended June 30, 2020 under reported the amounts collected and remitted by \$4,453.

**Management Response** – See Attachment A.

We were engaged by the South Carolina Office of the State Auditor to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or a review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the systems, processes, and behaviors related to financial activity of the Court for the period July 1, 2019 through June 30, 2020. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Municipality and to meet our ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

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 City of Newberry Council, City of Newberry Clerk of Court, City of Newberry Treasurer, State Treasurer, the South Carolina 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.

BROWN CPA, L.L.C.

Irmo, South Carolina  
April 22, 2021

## Attachment A



# CITY OF NEWBERRY

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## S O U T H C A R O L I N A

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### FINANCE DEPARTMENT

April 22, 2021

To whom it may concern:

We have reviewed the comments provided herein and are in agreement with the comments and will remediate the findings as follows.

With respect to the reporting of court revenue on the schedule of court fines, fees, and assessments within our annual financial statements we will provide our outside auditor, who prepares our financial statements on our behalf, with a copy of this report and request that they review the comment and to correct the reporting deficiency identified on a go forward basis.

With respect to the incorrect fines assessed we will provide a copy of this report to our municipal judge and request that the judge follow SC State Law with respect to fines issued for minimum and maximum amounts.

With respect to timely submission of the monthly State Treasurer Revenue Remittance Forms, we will revise our policies and procedures to more timely submit to the State Treasurer's Office within the 15 days as required by State Law.

We are always receptive to positive constructive criticism in our effort to improve upon compliance and financial reporting.

Sincerely yours,

A handwritten signature in cursive script that reads "Shannon Smith".

Shannon Smith  
Finance Director

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**"City of Friendly Folks"**

Post Office Box 538 • Newberry, South Carolina 29108 • Phone (803) 321-1007 • FAX (803) 321-1009  
[www.cityofnewberry.com](http://www.cityofnewberry.com)      [www.visitnewberrysc.com](http://www.visitnewberrysc.com)