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*Town of Lexington Municipal Court*

Lexington, South Carolina

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



April 30, 2021

Mr. Steve MacDougall, Mayor  
Town of Lexington  
Lexington, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Lexington 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. Steve MacDougall, Mayor  
Town of Lexington  
Lexington, South Carolina

We have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the Town of Lexington Municipal Court for the period July 1, 2019 through June 30, 2020, in the areas addressed. The Town of Lexington 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** – For two of the twenty-five court receipts the incorrect fine was assessed.

1. An individual was charged with prostitution and assessed a fine of \$1,087.50; South Carolina Code of Laws Section 16-15-110 specifies that the fine with assessments not exceed \$465.
2. An individual was charged with prostitution and assessed a fine of \$550.00; South Carolina Code of Laws Section 16-15-110 specifies that the fine with assessments not exceed \$465.

**Management Response** – See Attachment A.

## 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.

We found no exceptions as a result of the procedures.

## 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 financial statement audit report for the year ended June 30, 2020 did not properly cover the Uniform Schedule. This is required by State law to be presented as other supplementary information covered by an "in relation to" opinion on the financial statements. Section 14-1-211 of the 1976 South Carolina Code of Laws, as amended, states that "The supplementary schedule must be included in the external auditor's report by an "in relation to" paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents".

**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 Town of Lexington Council, Town of Lexington Clerk of Court, Town of Lexington 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 30, 2021

## Attachment A

Mayor  
Steve MacDougall

Mayor Pro-Tem  
Hazel Livingston



Council  
Kathy Maness  
Todd Carnes  
Ron Williams  
Steve Baker  
Todd Lyle

April 30, 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 audit report not properly covering the Uniform Schedule of court fines, fees, and assessments within our annual financial statements; for the prior four years, the "in relation to" paragraph included the appropriate page numbers to clearly indicate that the "in relation to" opinion included the Uniform Schedule of Court Fines, Assessments and Surcharges. However, for the audit report for the year ending June 30, 2020, the page numbers referenced are wrong. We have provided our outside auditor, The Brittingham Group LLP, with a copy of this report and requested that they appropriately revise their audit report to clearly cover the Uniform Schedule on a go forward basis.

With respect to the incorrect fines assessed we have provided a copy of this report to our municipal judge. He has refunded the overpayments and will follow SC State Law with respect to fines issued for minimum and maximum amounts.

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

Sincerely yours,

A handwritten signature in blue ink that reads "Kathy Pharr, CPA".

Kathy Pharr, CPA  
Finance Director