

---

*Town of Ninety-Six Municipal Court*

Ninety-Six, South Carolina

Independent Accountant's Report on Applying Agreed-Upon  
Procedures for the year ended September 30, 2019



June 2, 2021

Mr. Mike Rowe, Mayor  
Town of Ninety-Six  
Ninety-Six, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Ninety-Six Municipal Court System as of and for the period October 1, 2018 through September 30, 2019, 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/trb

## Contents

	<u>Page</u>
I. Independent Accountant’s Report on Applying Agreed-Upon Procedures .....	1 – 3
II. Municipality’s Response .....	Attachment A

# 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. Mike Rowe, Mayor  
Town of Ninety-Six  
Ninety-Six, South Carolina

We have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the Town of Ninety-Six Municipal Court for the period October 1, 2018 through September 30, 2019, in the areas addressed. The Town of Ninety-Six 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 October 1, 2018 through September 30, 2019. 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** – 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...".

**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 October 1, 2018 through September 30, 2019 and agreed the amounts reported on the STRRF to the court remittance forms or equivalents.

**Finding** – Four of the twelve monthly STRRF were submitted to the State Treasurer's Office between 1 and 22 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 October 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 October 1, 2018 through September 30, 2019, 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 Town of Ninety-Six 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 September 30, 2019 under reported the amounts collected and remitted by \$10,488.

**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 Municipality for the period October 1, 2018 through September 30, 2019. 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 Ninety-Six Council, Town of Ninety-Six Clerk of Court, Town of Ninety-Six 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  
June 2, 2021

## Attachment A



**TOWN OF NINETY SIX**  
POST OFFICE BOX 8  
NINETY SIX, SOUTH CAROLINA 29666  
PHONE (864) 543-2200  
FAX (864) 970-0303  
[www.nintetysixsc.gov](http://www.nintetysixsc.gov)

June 2, 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 Town not assessing and collecting the three percent installment fee from individuals who paid in installments, we have had turnover in personnel and the former employee was not charging this fee. The Town recognized and already corrected this mistake and is charging and collecting the installment fee currently.

With respect to the Town not timely submitting the STRRF to the SC State Treasurer's Office, we recognize the requirement to turn this report in by the 15<sup>th</sup> of the month. Once again we have had employee turnover and the current clerk of court is timely submitting this form.

With respect to the underreporting on the Uniform Schedule the amounts remitted to the South Carolina Office of the State Treasurer, we will provide a copy of this report to our auditors McKinley, Cooper & Co., LLC. We will ask our auditor to more carefully prepare and report on court activity within our financial statements as our auditors prepare our financial statements on our behalf.

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

Sincerely yours,

*Ketekash R. Crump-Lukie*

Ketekash Crump-Lukie  
Clerk/Treasurer