

**BONNEAU MUNICIPAL COURT  
BONNEAU, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT**

**JUNE 30, 2021**

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July 28, 2022

The Honorable Whilden V. Baggett, Chief Judge  
Town of Bonneau Municipal Court  
Ms. Elizabeth Wrenn, Clerk/Treasurer  
Bonneau, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Bonneau Municipal Court System as of and for the period July 1, 2020 through June 30, 2021, 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

July 28, 2022

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

The Honorable Whilden V. Baggett, Chief Judge  
Town of Bonneau Municipal Court  
Ms. Elizabeth Wrenn, Clerk/Treasurer  
Bonneau, South Carolina

I have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the Town of Bonneau and the Bonneau Municipal Court for the period July 1, 2020 through June 30, 2021, in the areas addressed. The Town of Bonneau (the Town) and the Bonneau Municipal Court (the Court) are 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, 2020 through June 30, 2021. 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, users 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**

- I obtained the court dockets or equivalents from the Clerk of Court. I judgmentally selected 25 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.

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- 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**

#### **Driving Under the Influence [DUI] First Offense less than .10 Alcohol**

The Court fined one defendant \$412.05 for DUI less than .10 Alcohol Concentration, first offense. Section 56-5-2930 (A)(1) of the 1976 South Carolina Code of Laws states, "It is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol ... . A person who violates the provisions of this section is guilty of the offense of driving under the influence and, upon conviction, ... must be punished as follows: (1) for a first offense, by a fine of four hundred dollars".

**Town of Bonneau Response:** The wrong Criminal Data Report [**CDR**] code was entered in the system, a code which did not allocate part of the collection to the breathalyzer fee and thus too much was allocated to fine and assessment.

#### **Failure to Return Driver's License after Suspension**

The Court fined one defendant \$200.00 for Failure to Return Driver's License after Suspension. South Carolina Code of Laws Section 56-1-350 states "Any person willfully failing to return his license as required by this section may, on conviction thereof, be fined one hundred dollars or imprisoned for thirty days. "

**Town of Bonneau Response:** The judge mistakenly fined the defendant \$200.00.

## **2. Town Treasurer**

- 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.

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- I compared and agreed the amounts reported on the monthly remittance forms or equivalents to the Town's support.
- I inspected the Town's support to confirm that the Town properly classified fine, fee, assessment, and surcharge receipts.
- I inspected all State Treasurer's Revenue Remittance Forms [**STRRF**] for the period July 1, 2020 through June 30, 2021 and agreed the amounts reported on the STRRF to the court remittance forms or equivalents.

### **Finding**

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

Twelve STRRF were prepared during the procedures period; however, none were submitted to the State Treasurer. See more information at procedure #5.

This is a repeat finding. See **Status of Prior Year Findings** below.

**Town of Bonneau Response:** The Town's finances have not allowed for timely submission and payment of assessments and surcharges.

### **3. Victim Assistance**

- I made inquiries and confirmed that any funds retained by the Town for victim assistance were deposited into a separate account.
- I selected all expenditures to confirm that the Town expended victim assistance funds in accordance with State law and the South Carolina Court Administration fee memoranda, Attachment L.
- I inspected the Town's Victim Assistance account to confirm the Victim Assistance fund balance was retained as of July 1 in the next fiscal year in accordance with State law.

### **Findings**

#### **Victim Assistance Revenues**

The Town made no deposits for victim assistance revenues during the procedures period. My calculation determined that an amount of \$10,540.33 should have been deposited in the Town's victim assistance account.

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**Proviso 59.15**

A Department of Crime Victim Compensation (DCVC) audit resulted in a cumulative amount owed the victims’ assistance fund of \$149,319.49 as of fiscal year 2020. As of the last date of fieldwork the Town has not remitted any funds to DCVC; therefore, any victim assistance revenue collected is owed to the DCVC. See table below

<b>Fiscal Year Information</b>	<b>Amount</b>
<b>Cumulative Balance Owed DCVC as of June 30, 2020</b>	\$ 149,319.49
<b>Victim Assistance Revenue Collected in FY21</b>	10,540.33
<b>Cumulative Balance Owed DCVC as of June 30, 2021</b>	\$ 159,859.82

Proviso 59.15 of the 2020-2021 Appropriation Act states “A ... municipality may retain carry forward funds that were collected pursuant to Sections ... 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher.”

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

- I agreed the amounts reported by the Town on its Uniform Schedule of Court Fines, Assessments and Surcharges, as reported in the annual financial statement audit, for the period July 1, 2020 through June 30, 2021, to the Town’s general ledger.
- I inspected the Town’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**

**Financial Statement Audit**

The Town was unable to provide me with an audit report for the year ended June 30, 2021. The most recent financial statement audit was for the year ended June 30, 2014; as such, certain procedures could not be performed.

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**Town of Bonneau Response:**

The Town has contracted with an independent Certified Public Accountant who is currently performing the June 30, 2015 audit which is soon to be released.

**5. Under Reported Amounts**

• I inspected copies of STRRF for the procedures period and traced amounts to reports generated by court accounting software and to STO receipts. I recalculated and confirmed amounts that should have been reported and also noted differences in court reports and STRRF amounts as reported. I confirmed the amount of state-shared revenues withheld from the Town and applied by the STO to the amount owed. I have reported the recalculated amounts underreported by STRRF line item in the table below as a result of these errors:

STRRF LINE	DESCRIPTION		
F.	Municipal DUS DPS Pullout - \$100.00	\$	4,629.65
G.	Municipal DUI Assessment - \$12		37.36
H.	Municipal DUI Surcharge - \$100		311.27
I.	Municipal DUI DPS Pullout - \$100		311.27
IA.	DUI/DUAC Breathalyzer Test Convection Fee SLED \$25		3.53
J.	Municipal Drug Surcharge \$150		1,187.04
K.	Municipal Law Enforcement Surcharge - \$25 per case		19,271.60
KA.	Municipal Criminal Justice Academy - \$5		98.30
L.	Municipal Court -107.5%		<u>76,406.45</u>
M.	TOTAL REVENUE DUE TO STATE TREASURER		<u>102,256.47</u>
N.	Assessments – Municipal		9,598.13
O.	Surcharges - Municipal		<u>942.20</u>
P.	Total Retained for Victim Services	\$	<u>10,540.33</u>
	CUMULATIVE REVENUE DUE TO STO AS OF JUNE 30, 2020	\$	426,520.38
	PAYMENT APPLIED FROM STATE-SHARED BY STO:		(351,296.35)
	CURRENT YEAR REVENUE DUE TO STO		<u>102,256.47</u>
	CUMULATIVE REVENUE DUE TO STO AS OF JUNE 30, 2021	\$	<u>177,480.50</u>

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## 6. Status of Prior Findings

- I inquired of management of the Town about the status of findings reported in the Accountant's Comments section of the State Auditor's Report on the Town resulting from an engagement for the period ended June 30, 2020, to confirm that the Town had taken adequate corrective action. The following Town's findings repeated: **Timely Filing of State Treasurer's Revenue Remittance Form, Victims Assistance Revenues, Proviso 59.15 and Financial Statement Audit.**

Further, one finding/issue that is unresolved from the prior report is related to the \$216,875.85 of deposits recorded in the Bonds and Fines bank account/revenue but never assessed or allocated in accordance with State law. The Town was going to confirm my finding and determine its validity; however as of the current date I have not been given any confirmation or denial of the finding. One item of follow up occurred during the procedures period: the accounting software was properly formatted to accept deposits for bond revenues and properly post those revenues to the general ledger as bond revenues. Therefore, the error(s) would have been random, human error rather than systemic error(s).

### **Town of Bonneau Response:**

The Town admits there are differences. The Town has determined these differences may be caused by errors related to posting of daily deposits in the general ledger. For instance, in months where property tax deposits should be higher than fines revenues, fines revenue show a substantial increase while tax revenues remain flat. The Town requires the assistance of an accounting professional to determine the correct amount. However, the Town cannot currently afford the services of a professional. The Town has ceased police activity as they have been unable to hire necessary personnel.

I was engaged by the South Carolina Office of the State Auditor to perform this agreed-upon procedures engagement and conducted my engagement 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 financial activity of the Town of Bonneau Municipal Court for the period July 1, 2020 through June 30, 2021. Accordingly, I do not express an opinion or conclusion.

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Had I performed additional procedures other matters might have come to my attention that would have been reported to you.

I am required to be independent of the Town of Bonneau Municipal Court and to meet my ethical responsibilities in accordance with the relevant ethical requirements related to my agreed-upon procedures engagement.

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 Bonneau Municipal Council, Bonneau Municipal Court, Bonneau 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*