

**CHESTER MUNICIPAL COURT
CHESTER, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT
JUNE 30, 2022**

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February 9, 2023

The Honorable Angela M. Killian, Chief Judge
Ms. Marilyn Kelly, Clerk of Court
City of Chester Municipal Court
Ms. Haley Roof, Finance Officer
Chester, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the City of Chester Municipal Court System as of and for the period July 1, 2021 through June 30, 2022, 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

February 9, 2023

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

The Honorable Angela M. Killian, Chief Judge
Ms. Marilyn Kelly, Clerk of Court
City of Chester Municipal Court
Ms. Haley Roof, Finance Officer
Chester, South Carolina

I have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the City of Chester and the Chester Municipal Court for the period July 1, 2021 through June 30, 2022, in the areas addressed. The City of Chester (the City) and the Chester 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, 2021 through June 30, 2022. 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

The Court fined one defendant \$412.05 for DUI of alcohol, 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 while under the influence of alcohol

...

(1) for a first offense, by a fine of four hundred dollars".

City of Chester Response: The judge sentenced the defendant to an extra \$12.05 for a breathalyzer fee that was not assessed and should not have been done. The clerk has been instructed to check for this every time a DUI is entered.

2. City 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.

- I compared and agreed the amounts reported on the monthly remittance forms or equivalents to the City's support.

- I inspected the City's support to confirm that the City properly classified fine, fee, assessment, and surcharge receipts.

- I inspected all State Treasurer's Revenue Remittance Forms [**STRRF**] for the period July 1, 2021 through June 30, 2022 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, August 2021 was not submitted to the State Treasurer. See more information at procedure #5.

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City of Chester Response: The City was behind in filing and filed several together but inadvertently left August out.

3. Victim Assistance

- I made inquiries and confirmed that any funds retained by the City for victim assistance were deposited into a separate account.
 - I selected all expenditures to confirm that the City expended victim assistance funds in accordance with State law and the South Carolina Court Administration fee memoranda, Attachment L.
 - I inspected the City'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.

There were no findings as a result of these procedures.

4. Uniform Schedule of Court Fines, Assessments and Surcharges

- I agreed the amounts reported by the City 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, 2020 through June 30, 2021, to the City's general ledger or equivalent.
 - I inspected the City'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 City's auditor did not include the in-relation-to opinion for the Uniform Schedule as required by State law. Also, the ending funds carried forward balance reported on the Uniform Schedule did not agree with the general ledger ending fund balance nor the bank balance.

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City of Chester Response:

The City’s auditor stated there was an error in the schedule that was not corrected before the schedule was issued. They agree the balance carried forward should have been \$10,465.

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 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	\$	108.15
G.	Municipal DUI Assessment - \$12		0.12
H.	Municipal DUI Surcharge - \$100		1.01
I.	Municipal DUI DPS Pullout - \$100		1.01
IA.	DUI/DUAC Breathalyzer Test Convection Fee SLED \$25		0.00
J.	Municipal Drug Surcharge \$150		0.00
K.	Municipal Law Enforcement Surcharge - \$25 per case		337.04
KA.	Municipal Criminal Justice Academy - \$5		0.00
L.	Municipal Court -107.5%		<u>850.16</u>
M.	TOTAL REVENUE DUE TO STATE TREASURER		<u>1,297.49</u>
N.	Assessments – Municipal		0.00
O.	Surcharges - Municipal		<u>0.00</u>
P.	Total Retained for Victim Services	\$	<u><u>0.00</u></u>

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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 City of Chester Municipal Court for the period July 1, 2021 through June 30, 2022. Accordingly, I do not express an opinion or conclusion.

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 City of Chester 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 Chester Municipal Council, Chester Municipal Court, Chester 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