

**ELGIN MUNICIPAL COURT
ELGIN, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT
JUNE 30, 2023**

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February 29, 2024

The Honorable David P. Reuwer, Chief Judge
Ms. Doris Craven, Municipal Clerk of Court
Ms. Rebecca Summey, Finance Officer
Town of Elgin Municipal Court
Elgin, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Town of Elgin Municipal Court System as of and for the period July 1, 2022 through June 30, 2023, 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/trb

STEVEN L. BLAKE, CPA

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

February 29, 2024

Mr. George L. Kennedy, III, CPA
State Auditor
State of South Carolina
Columbia, South Carolina
and
The Honorable David P. Reuwer, Chief Judge
Ms. Doris Craven, Municipal Clerk of Court
Ms. Rebecca Summey, Finance Officer
Town of Elgin Municipal Court

I have performed the procedures described below on the systems, processes, and behaviors related to financial activity of the Town of Elgin and the Elgin Municipal Court for the period July 1, 2022 through June 30, 2023 , in the areas addressed. The Town of Elgin (the Town) and the Elgin 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 of the municipal court for the period July 1, 2022 through June 30, 2023 . 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 for the procedures period 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

Installment Fee

The Court has not consistently administered the 3% installment fee. In one case tested which was paid in installments the installment fee was not charged. In four cases tested in which the fine was paid in one payment the installment fee was charged. Section 14-17-725 of the 1976 South Carolina Code of Laws states the fee must be charged only when paid in installments. Also, the Court computer system does not properly allocate the fee in accordance with the judicial memorandum dated June 30, 2022. The entire amount is recognized on the first payment rather than allocated over the payments.

Town of Elgin Response: This was done under the previous Clerk of Court who was replaced in October 2023 by the current Clerk of Court. The Court currently only charges the 3% fee on installment payments. The software programmers are aware of the allocation issue.

Driving Under the Influence [DUI] 1st Offense

The Court fined one defendant \$162 for a DUI, 1st Offense. Section 56-05-2930 states that the minimum fine is \$400 for a DUI, 1ST. The section goes on to state that no part of the fine for a first offense may be suspended.

Town of Elgin Response: This was done under the previous Clerk of Court who was replaced in October 2023 by the current Clerk of Court. A new judge has been informed regarding this and it should not occur under the current Clerk of Court.

Simple Possession

The Court fined one defendant \$212.05 for Simple Possession of Marijuana. The maximum fine under the law is \$200.

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Town of Elgin Response: This was done under the previous Clerk of Court who was replaced in October 2023 by the current Clerk of Court. The current Clerk of Court does not know why this occurred.

Driving Under the Suspension [DUS], 1st

The Court fined one defendant \$299.80 for DUS, 1st. Section 56-01-0460 states the fine is \$300.

Town of Elgin Response: This was done under the previous Clerk of Court who was replaced in October 2023 by the current Clerk of Court. It seems clear that the total fine was rounded down which, when allocated in accordance with the law and fee memorandum, did not leave enough to allocate to the fine itself for it to be correct. The Court has downloaded the latest Judicial Department Fee Memorandums with attachments to be up to date on correct fine amounts.

Criminal Domestic Violence, 3rd

The Court fined one defendant \$939.76 for Criminal Domestic Violence, 3rd when the law states the minimum fine should be \$1,000.

Town of Elgin Response: This was done under the previous Clerk of Court who was replaced in October 2023 by the current Clerk of Court. It seems clear that the total fine was rounded down which, when allocated in accordance with the law and fee memorandum, did not leave enough to allocate to the fine itself to cause it to be correct. The Court has downloaded the latest Judicial Department Fee Memorandums with attachments to be up to date on correct fine amounts.

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

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- 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, 2022 through June 30, 2023 and agreed the amounts reported on the STRRF to the court remittance forms or equivalents.

There were no findings as a result of these procedures.

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 confirmed that the Town had no expenditures to evaluate for the procedures period to determine if they 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.

Finding: Discrepancies in Accounting and Bank Balance.

The Town's general ledger fund balance was \$2,850.00 as of June 30, 2023. The bank account balance was \$8,893.45; a discrepancy of \$6,043.45.

Finding: Undeposited Funds

The Town has not deposited any victims' money for the procedures period. See procedure 5 for more information. Victims' Assistance is owed \$7,236.91.

Town of Elgin Response: The Town was unaware of the requirement to deposit the victims' money in the victims' assistance bank account. Regarding the accounting issues, the Town Finance Officer will research the discrepancy and recommend a solution.

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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, 2021 through June 30, 2022, 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: Uniform Schedule

The Town’s most recent financial statement audit was for the year ended June 30, 2022. While the schedule was present, it was not in the prescribed form required by the Department of Crime Victims’ Compensation.

Town of Elgin Response: The Town will inform our independent auditors who help us prepare the schedule of the prescribed form requirements.

5. Under Reported Amounts

I inspected copies of all STRRF for the procedures and determined the 12 months ended June 2023 victims’ revenues had not been deposited. I have reported the recalculated amounts underreported by STRRF line item in the table below for the 12 months ended June 2023:

STRRF LINE	DESCRIPTION	
N.	Assessments – Municipal	6,298.48
O.	Surcharges - Municipal	925.59
OA.	Other Assessments - Municipal	12.84
P.	Total Retained for Victim Services	\$ <u><u>7,236.91</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 Town of Elgin Municipal Court for the period July 1, 2022 through June 30, 2023. 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 Town of Elgin 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 Elgin Municipal Council, Elgin Municipal Court, Elgin 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