



ALAN WILSON  
ATTORNEY GENERAL

October 17, 2017

Mayor Ernest Bernard Moore Jr.  
Town of Jonesville  
Post Office Box 785  
Jonesville, South Carolina 29353-0785

Dear Mayor Moore:

The Office of the Attorney General, Department of Crime Victim Compensation (DCVC), is sending this notice to inform you that we have completed the State 90 Day Follow-up Audit Site Visit for the Town of Jonesville Victim Assistance Program. A copy of the official report is attached for your review. This is in conformance with Proviso 117.51 which requires DCVC to conduct a programmatic review and financial audit on any governmental entity or non-profit organization receiving victim assistance funding to ensure that these crime victim funds are expended in accordance with the law.

Enclosed is a copy of our audit results. I am pleased to advise you that the Town of Jonesville has complied with all of the audit recommendations as outlined in this report. Please note that all DCVC audits and follow-up reports are public information and will be posted on our website at [www.sova.sc.gov](http://www.sova.sc.gov) under the auditing tab.

Should you have any further questions or concerns, please feel free to contact me or Teresa Green at 803-734-7108.

Sincerely,

  
Burke O. Fitzpatrick  
Director of Crime Victim Services Division

CC: April Smith  
Carl H Jennings Jr.



**The Office of the Attorney General  
Department of Crime Victim  
Compensation**

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June 30, 2012

**Town of Jonesville Municipal  
Court State Auditor's Report**

October 17, 2017

**90 Day Follow-up  
Programmatic Review and  
Financial Audit of the  
Town of Jonesville  
Victim Assistance FFA Fund**

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**Disclaimer: The recommendations included in sections A thru E in this report were made by the State Auditor’s Office. The DCVC follow-up review was based on compliance with the State Auditor’s Office recommendations. In addition, all DCVC follow-up reviews (including this one) are conducted to ensure compliance with applicable laws and regulations. (See Appendix A of this report to review the Initial State Issued Audit Report.)**

Acronyms:  
FFA – Fines, Fees, and Assessment  
DCVC – Department of Crime Victim Compensation  
SCLEVA – South Carolina Law Enforcement Victim Advocate

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## Introduction and Laws

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### PREFACE

This 90 Day Programmatic Review and Financial Audit was initiated as a result of the SC State Auditor's Office Audit completed on June 30, 2012. On May 31, 2017, the Director of DCVC issued a letter to the County Administrative Office and the Sheriff's Department informing them that DCVC will conduct a 90 Day Follow up Audit Review in regards to the Town of Jonesville's State Auditor's Office Report. The audit was conducted on July 18, 2017.

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### *Governing Laws and Regulations*

#### **Proviso 117.51**

117.511 (GP: Assessment Audit / Crime Victim Funds)

If the State Auditor finds that any county treasurer, municipal treasurer, county Clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14 1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the budget's approval by the governing body of the entity or nonprofit organization.

*Proviso 117.51 cont.*

Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

**Proviso 93.27**

93.27 (DOA: State Victim Assistance Program)

A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 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. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority

*Proviso 93.27 cont.*

programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Department of Public Safety, Office of Highway Safety and Justice Programs within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.

SOVA shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

SOVA is authorized to transfer to the State Victim Assistance Program housed in the Department of Public Safety any state funds deemed available under SOVA authority to be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

**Proviso 98.9**

98.9 (TREAs: Penalties for Non-reporting)

If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.51 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

*Proviso 98.9 cont.*

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

## **SC Code of Law Title 14**

### **Courts – General Provisions**

Collection/Disbursement of Crime Victim Monies at the Municipal & County Levels: below is a brief synopsis of applicable sections.

- **Sec. 14-1-206: Additional Assessment, General Sessions or Family Court (subsection(s) A, B & D):** A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in general sessions court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. The county treasurer must remit 35.35 % of the revenue generated by the assessment imposed in general sessions to the county to be used exclusively for the purpose of providing direct victim services and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month. The revenue retained by the county must be used for the provision of services for the victims of crime including those required by law. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.
  
- **Sec. 14-1-207: Additional Assessment, Magistrate's Court (subsection(s) A, B & D):** A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in magistrate's court must pay an amount equal to 107.5 percent of the fine imposed as an assessment.

The county treasurer must remit 11.16 % of the revenue generated by the assessment imposed in magistrate's court to the county to be used exclusively for the purpose of providing direct victim services and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month. The revenue retained by the county must be used for the provision of services for the victims of crime including those required by law. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.

- **Sec. 14-1-208: Additional Assessment, Municipal Court (subsection(s) A, B & D):** A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal's court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. The county treasurer must remit 11.16 % of the revenue generated by the assessment imposed in municipal court to the county to be used exclusively for the purpose of providing direct victim services and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month. The revenue retained by the municipality must be used for the provision of services for the victims of crime including those required by law. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.
  
- **Sec. 14-1-211: General Sessions Court Surcharge (subsection A, B, & C):** A one hundred dollar surcharge is imposed on all convictions obtained in general sessions court and a twenty-five dollar surcharge is imposed on all convictions obtained in the magistrate's and municipal court must be retained by the jurisdiction which heard or processed the case and paid to the city or county treasurer,

for the purpose of providing services for the victims of crime, including those required by law. Any funds retained by the county or city treasurer must be deposited into a separate account for the exclusive use for all activities related to those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. For the purpose of funds allocation and expenditure, these funds are a part of the general funds of the city or county. These funds must be used for, but are not limited to, salaries, equipment that includes computer equipment and internet access, or other expenditures necessary for providing services to crime victims. All unused funds must be carried forward from year to year and used exclusively for the provision of services to the victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.

- **Sec. 14-1-211: General Sessions Court Surcharge (subsection D):** To ensure that surcharges imposed pursuant to this section are properly collected and remitted to the city or county treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5-7-240 and each county pursuant to Section 4-9-150 must include a review of the accounting controls over the collection, reporting, and distribution of surcharges from the point of collection to the point of distribution and a supplementary schedule detailing all surcharges collected at the court level, and the amount remitted to the municipality or county. The supplementary schedule must include the following elements:
  - (a) All surcharges collected by the Clerk of court for the general sessions, magistrates, or municipal court;
  - (b) The amount of surcharges retained by the city or county treasurer pursuant to this section;
  - (c) The amount of funds allocated to victim services by fund source; and
  - (d) How those funds were expended, and any carry forward balances.

*SC Code of Law*  
*Title 14 (cont)*

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.

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## Introduction and Legislative

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### PRIOR AUDIT RESULTS

The legislative proviso 117.51 mandates the Department of Crime Victims Compensation conduct 90 Day follow-up reviews on any entity or non-profit organization receiving victim assistance funding with previously found errors to ensure necessary corrective action has taken place; thereby ensuring complying with all applicable state laws and regulations. As noted, the State Auditor's Office conducted an audit of the Town of Jonesville's Municipal Court. The State Auditor's report dated June 30, 2012 was received by DCVC on May 28, 2013.

**This 90 Day Follow-up Audit for the Town of Jonesville was conducted based on the SC State Auditor's Office initial audit findings and recommendations. (See Appendix A)**

#### **Audit Objectives were;**

- To determine if the Town of Jonesville implemented procedures to ensure assessments and surcharges are imposed in accordance with applicable State law.
- To determine if the Town of Jonesville implemented procedures to ensure the STRRFs are submitted by the fifteenth day of each month in compliance with State law.
- To determine if the Town of Jonesville implemented procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and reconciled with the Town of Jonesville's accounting records and reviewed for accuracy.
- To determine if the Town of Jonesville implemented procedures to ensure amounts reported on the supplementary schedule are accurate in accordance with State law.
- To determine if the Victim Assistance funds were expended in accordance with State law.

## RESULTS IN BRIEF

Remittance of Assessments And Surcharges Did the Town of Jonesville implement procedures to ensure assessments and surcharges are imposed in accordance with applicable State Law?

Yes, the town of Jonesville did implement procedures to ensure assessments and surcharges are imposed in accordance with State law. The Town of Jonesville submitted written procedures outlining the steps taken to ensure assessments and surcharges are imposed in accordance with State law. As a best practice, the Clerk was advised to ensure steps are taken annually to inquire about possible changes to the law that may affect her responsibilities.

Timely submission of State Treasurer's Revenue Remittance Form (STRRF) Did the Town of Jonesville implement procedures to ensure the STRRF are submitted by the fifteenth day of each month?

Yes, the Town of Jonesville implemented procedures to ensure the STRRFs are submitted by the fifteenth day of each month. These procedures include a monthly electronic reminder of the fifteenth day STRRF reporting requirement.

Accurate Reporting Did the Town of Jonesville implement procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and reconciled with accounting records and reviewed for accuracy?

Yes, the Town of Jonesville implemented procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and reconciled with accounting records and reviewed for accuracy. The Town's new procedures include a reconciliation of cash receipts and the general ledger. In addition, they used a spreadsheet developed by the State Auditor to ensure all calculations are correct. Additionally, the Town received a reimbursement from the State in the amount of **\$6,561.01** for overpaid assessments. Also, the Town reimbursed the Victim Assistance fund **\$2,645.91** because the Town under retained assessments and surcharges.

## RESULTS IN BRIEF

### *Accurate Reporting Cont.*

Upon review of the documents, it appears the Town has been withholding 25% of Victim Assistance funds from the County each month, although the current Victim Assistance contract states all funds should be remitted to Union County.

According to the documents reviewed from the Town of Jonesville, the Town retained **\$15,314.17** in Victim Assistance funds which should have been given to the County. Therefore, the Auditor advised Town officials to transfer the **\$15,314.17** to the County in accordance with the current contract agreement dated April 20, 2016. As the 90 Day Follow up Audit was being completed, the Town transferred the funds to the County per the current contract agreement on file.

### Supplementary Schedule

Did the Town of Jonesville implement procedures to ensure the amounts reported on the supplementary schedule are accurate in accordance with State law?

Yes, the Town of Jonesville implemented procedures to ensure the amounts reported on the supplementary schedule are accurately reported in accordance with State law. Many of the errors on the supplementary schedule were a direct result of surcharges and assessments that were omitted. The Town has started the process of using a Schedule of Fines and Assessments Spreadsheet which electronically ensures all amounts reported are accurate.

### Victim Assistance Funds

Were the Victim Assistance funds expended in accordance with State law?

Yes, the Victim Assistance funds were expended in accordance with State law. The Town had a contract agreement with Union County for their Victim Services support and remitted all funds to Union County per contract.

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## **Objective(s), Conclusion(s), Recommendation(s), and Comments**

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### **A. Remittance of Assessments and Surcharges**

#### **Objective**

Did the Town of Jonesville implement procedures to ensure assessments and surcharges are imposed in accordance with State law?

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#### **Conclusion**

Yes, the Town of Jonesville implemented procedures to ensure assessments and surcharges are imposed in accordance with State law. The Town of Jonesville submitted written procedures outlining the steps taken to ensure assessments and surcharges are imposed in accordance with State law. As a best practice, the Clerk was advised to ensure steps are taken annually to inquire about possible changes to the law that may affect her responsibilities.

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#### **Background**

- Section 14-1-208(A) of the 1976 South Carolina Code of Laws
  - Section 14-1-211 (A)(1) of the 1976 South Carolina Code of Laws
  - Section 14-1-212 (A) of the 1976 South Carolina Code of Laws
  - Proviso 90.5 of the 2011-2012 Appropriations Act
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#### **Discussion**

According to the State Auditor's audit issued June 30, 2012, the Auditor noted the following during the testing of Municipal Court collections and remittances:

- There were three instances where the Town did not remit 107.5% of their Assessment.
- There were four instances where the Town did not retain the required \$25 Conviction Surcharge.
- There were three instances where the Town did not remit the \$25 Law Enforcement Funding Surcharge.
- There were three instances where the Town did not remit the \$5 Criminal Justice Academy Surcharge.

*Discussion Cont.*

At the time of the state audit, in response, the Municipal Judge stated that the municipal ordinance violation fines included the applicable State assessments and surcharges.

However, the Town Clerk stated she was not aware that State assessments and surcharges were applicable to municipal ordinance violations. Consequently, the State Auditor's Office recommended the Town implement procedures to ensure assessments and surcharges are imposed in accordance with applicable State law.

For this 90 Day Follow up Audit, a copy of the written procedures implemented to ensure assessments and surcharges are imposed in accordance with applicable State law was requested. However, it was not received prior to the site visit.

During the site visit on July 18, 2017, the DCVC Auditor interviewed the Town Clerk to determine what procedures were implemented to ensure assessments and surcharges were imposed in accordance with applicable State law and if they were in a written format. The Clerk stated following the completion of the State Audit, she started using a Schedule of Fines and Assessments Spreadsheet which electronically identifies all required surcharges and assessments for distribution purposes. This spreadsheet was developed and provided by the State Auditor who conducted the initial audit. However, the new process was not in written format for accountability purposes. The Auditor requested and received a copy of the Schedule of Fines and Assessments that the Clerk used. At the conclusion of the site visit, the Auditor recommended the Clerk place the procedures in written format. The written procedures were received on July 24, 2017 via email.

Although the Town of Jonesville implemented procedures to ensure assessments and surcharges are imposed in accordance with applicable State law, the DCVC Auditor felt it was vital to ensure the Clerk remains current with assessments and surcharges. Therefore, when asked about training during the audit, the Clerk stated she had not received any additional technical assistance or training as it relates to changes in assessments and surcharges since the State Auditor left in 2012.

*Discussion Cont.*

So, the Auditor recommended the Clerk contact the Court Administration's office to inquire about recent changes, if any, to assessments and surcharges. On July 18, 2017, the Clerk submitted an email stating she spoke to the Court Administration's office and confirmed there were no changes with assessments and surcharges since 2012.

The Auditor advised as a best practice, the Clerk ensure steps are taken annually to inquire about possible changes to the law that may affect her responsibilities

During the interview, the Clerk also stated the Town has LawTrak, however, she had trouble accessing it. The Auditor immediately advised her to contact the company and ensure she gains access to the system and has a clear understanding of how to operate the system. After contacting the company, the Clerk later advised that she received her password for LawTrak but was still awaiting training. Once the training is complete, LawTrak will ensure that the Clerk remain current with all changes to assessments and surcharges.

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**Recommendation(s)**  
**and Comments**

No further recommendations.

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**Objective(s), Conclusion(s), Recommendation(s), and Comments**

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**B. Timely Submission of State Treasurer’s Revenue Remittance Form****Objective**

Did the Town of Jonesville implement procedures to ensure the STRRF are submitted by the fifteenth day of the month?

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**Conclusion**

Yes, the Town of Jonesville did implement procedures to ensure the STRRF are submitted by the fifteenth day of each month. These procedures include a monthly electronic reminder of the fifteenth day STRRF Reporting requirement.

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**Background**

Section 14-1-208(B) of the 1976 South Carolina Code of Laws

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**Discussion**

During the State Auditor’s Audit conducted June 30, 2012, the Auditor tested the Town’s State Treasurer’s Revenue Remittance Forms and noted that one of the twelve viewed was submitted late. As a result, the State Auditor recommended the Town implement procedures to ensure the STRRFs are submitted by the fifteenth day of each month in compliance with State law.

In the 90 Day Follow-Up Pre Audit Requested Documents, the DCVC Auditor requested the Town submit twelve months of STRRFs for FY 2016 which were received on July 17, 2017. Upon review of the documents prior to the site visit on July 18, 2017, it appeared again one form was submitted one day late. During the audit site visit, the Auditor inquired about the STRRF that was submitted late. The Clerk stated she completed the form on time; however, it was buried under some other items on her desk and was submitted once discovered.

The Auditor then asked what procedures were implemented to ensure that STRRFs are submitted in a timely manner. The Clerk stated she has it written on her calendar to complete the form monthly.

*Discussion Cont.*

The Auditor recommended the Clerk develop and put in writing implemented procedures to ensure STRRFs are submitted by the fifteenth of each month in compliance with State law. The written procedures were received via email on July 24, 2017. The written procedures stated the Clerk has also set an electronic monthly reminder for submission of the STRRFs.

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**Recommendation(s)**  
**and Comments**

No further recommendations.

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## Objective(s), Conclusion(s), Recommendation(s), and Comments

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### C. Accurate Reporting

#### Objective

Did the Town of Jonesville implement procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and reconciled with the Town of Jonesville's accounting records and reviewed for accuracy?

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#### Conclusion

Yes, the Town of Jonesville implemented procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and reconciled with accounting records and reviewed for accuracy. The Town's new procedures include a reconciliation of cash receipts and the general ledger. In addition, they used a spreadsheet developed by the State Auditor to ensure all calculations are correct. Additionally, the Town received a reimbursement from the State in the amount of **\$6,561.01** for overpaid assessments. Also, the Town reimbursed the Victim Assistance fund **\$2,645.91** because the Town under retained assessments and surcharges.

Upon review of the documents, it appears the Town has been withholding 25% of Victim Assistance funds from the County each month, although the current Victim Assistance contract states all funds should be remitted to Union County.

According to the documents reviewed from the Town of Jonesville, the Town retained **\$15,314.17** in Victim Assistance funds which should have been given to the County. Therefore, the Auditor advised Town officials to transfer **\$15,314.17** to the County in accordance with the current contract agreement dated April 20, 2016. As the 90 Day Follow up Audit was being completed, the Town transferred the funds to the County per the current contract agreement on file.

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#### Background

Section 14-1-220 of the 1976 South Carolina Code of Laws

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## Discussion

According to the State Auditor's report issued on June 30, 2012, the State Auditor noted during the testing of the Town's State Treasurer Revenue Remittance Forms (STRRF) several amounts reported on the STRRF did not agree to the Town's Court Accounting records. Therefore, the State Auditor prepared a report titled (Schedule of Court Fines and Fees Over (Under) Reported, for the 36 months ending June 30, 2012) as an attachment to the State Auditor's report.

This attachment outlined fines, fees, and assessment funds that were due to or from the Town as it relates to remittance to the State Treasurer's Office and retained Victim Assistance Fines, Fees, and Assessment funds. At the end of the schedule review, it appeared the Town over paid the State Treasurer's Office and under retained funds in the local Victim Assistance fund. Therefore, the State Auditor recommended the Town revise and submit amended STRRF in accordance with the schedule requesting reimbursement from the State in the amount of **\$6,561.01** to the Town and that the Town reimburse the Victim Assistance funds **\$2,645.91** from the General Fund.

The Town's response to this error was because the Town didn't use a court accounting system, but instead used a calculator tape to determine the amounts reported incorrectly to the State Treasurer's Office. This same process was used to determine the amounts retained for Victim Assistance funds as well. The Clerk stated she also inadvertently omitted some tickets from the calculations and was unaware that assessments and surcharges should be levied on municipal ordinance violations as discussed in section A of this report. The Clerk has since started calculating correctly after the State Auditor's Office Auditor informed her of the calculation errors and provided an electronic calculation spreadsheet.

During the 90 Day Follow up Audit Site Visit on July 18, 2017, the DCVC Auditor interviewed the Clerk to determine what procedures were implemented to ensure all court collections are reported, remitted in accordance with State law, reconciled with the Town of Jonesville's accounting records as well as reviewed for accuracy.

*Discussion Cont.*

The Clerk responded by saying she continues to use the Schedule of Fine and Assessments excel document provided by the State Auditor. In addition, their monthly procedures include a reconciliation of the cash receipts with the general ledger.

**Reimbursement from State to the Town**

During the 90 Day Follow up Audit Site Visit, the Town Clerk was asked to submit documents showing the Town's reimbursement from the State. The Town submitted STRRF for review July 17, 2017 for April 2014 to June 2014 which revealed that the Town withheld funds from three monthly reported STRRF's (April, May, and June 2014) as instructed by the State Treasurer's Office at that time. By withholding the noted amounts, the Town was properly reimbursed a total of **\$6,561.01** in assessments and surcharges overpaid to the State Treasurer's Office as outlined in the State Auditor's Office schedule as reimbursement. The total amount of funds withheld is outlined below.

<b>STRRF Per Month</b>	<b>Amount Withheld</b>
04/15/14	\$3,004.38
05/15/14	\$1,500.00
06/13/14	\$2,056.63
<b>Total</b>	<b>\$6,561.01</b>

**Reimbursement from Town's GF to VAF**

According to the Schedule of Court Fines and Fees Report prepared by the State Auditor, the Town of Jonesville was required to reimburse the Victim Assistance Fund a total of **\$2,645.91** because the Clerk inadvertently omitted some tickets. She was not aware that assessments and surcharges should be levied on municipal ordinance violations, which resulted in variances on lines I, J, K, KA, and O of the STRRF. During the 90 Day Follow up Audit Site Visit, the Clerk was asked if the Town reimbursed the Victim Assistance fund in the amount of **\$2,645.91** per the schedule prepared by the State Auditor. The Clerk stated that the funds were not reimbursed because she was not sure how to reimburse the fund. Additionally, the Clerk was asked if the Victim Assistance Funds were kept in a separate account. The Clerk stated the funds were kept in a separate account.

*Reimbursement Cont.*

Therefore, the Auditor requested and received a copy of the current bank statement for the Victim Assistance account while on site. Upon review of the bank statement, it appeared the Town had funds totaling **\$6,317.77** in the Victim Assistance account.

As a result of the above information, the Auditor explained the reimbursement process and advised the Clerk to write a check from the General fund to the Victim Assistance account and submit supporting documentation to DCVC upon completion of the transfer process. In addition, the Town was instructed to discontinue all activity with the Victim Assistance fund until the reimbursement was completed. While the Auditor was on site, the Clerk immediately prepared a check and deposit slip for \$2,645.91 to reimburse the Victim Assistance fund, thereby; bringing the Victim Assistance account total to **\$8,963.68**. On July 18, 2017, the Clerk submitted a signed printout from the bank showing a balance of **\$8,963.68**. Upon receipt of the deposit slip, the Auditor informed the Town officials the funds could now be used according to the Approved Guidelines for the Victim Assistance Program.

**Fund Retention**

As previously stated, the Town was retaining 25% of the Victim Assistance Fines, Fees, and Assessment funds received monthly. However, according to the Town's Victim Service Contract with the County, they should have been forwarding all funds to the County as outlined in the contract.

The Auditor advised the Clerk that because the Town didn't have a Certified Victim Advocate, they were not able to use the funds. Therefore, it would be in their best interest to submit all Victim Assistance funds to the County as outlined in the contract. The DCVC Auditor explained should the town retain the funds that this was not a best practice and was unacceptable because according to the Victim Service Contract with the County, all funds were to be sent to them. The Clerk then stated she didn't know why they were retaining the funds and it would be easier to send all of the funds to the County. After discussing further concerns, the Clerk and the Mayor were in agreement and decided to transfer all Victim Assistance funds to the County and close the Victim Assistance account with a zero balance and will forward all future collected funds to the County.

*Fund Retention Cont.*

Although the Town has a Victim Assistance fund account, it appears the Victim Assistance bank account did not represent all retained Victim Assistance funds. In fact, the Town has been retaining a portion of the 25% of all Victim Assistance funds collected monthly in the General fund and not in the Victim Assistance fund; therefore, the Town would have additional funds to transfer to the County in the amount of **\$6,350.49**.as outlined below.

Upon further inquiry regarding the 25% of Victim Assistance funds retained 2013 to 2017, the Clerk supplied documentation showing the balance of **\$12,668.26** retained over the years (2013 – 2017). This balance excludes the \$2,645.91 to be reimbursed because these funds were never reported as being collected by the Town. This means the balance in the account should have been **\$15,314.17** (\$12,668.26 + \$2,645.91). This is the total amount to be submitted to the Union County Victim Assistance fund.

- On August 17, 2017, the Clerk submitted a check for **\$8,964.00** written to Union County which left a balance of **\$6,350.17** to be submitted to the County Victim Assistance fund.
- On August 22, 2017, the Clerk submitted an additional check for **\$3,704.26** written to Union County leaving a balance of **\$2,645.91** to be submitted.
- On September 1, 2017, the Clerk submitted a final check in the amount of **\$2,645.91**.
- As of September 1, 2017, all funds to be reimbursed to the Union County Victim Assistance fund has been submitted.

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**Recommendation(s)**  
**and Comments**

No further recommendations

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**Objective(s), Conclusion(s), Recommendation(s), and Comments**

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**D. Supplementary Schedule****Objective**

Did the Town of Jonesville implement procedures to ensure amounts reported on the Supplementary Schedule are accurately reported in accordance with State law?

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**Conclusion**

Yes, the Town implemented procedures to ensure the amounts reported on the Supplementary Schedule are accurately reported in accordance with State law. Many of the errors on the Supplementary Schedule were a direct result of surcharges and assessments omitted. As a result, the Town began using the Schedule of Fines and Assessments spreadsheet which electronically ensures all amounts reported are accurate.

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**Background**

Section 14-1-208(E)(1) of the 1976 South Carolina Code of Laws

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**Discussion**

According to the State Auditor's Office report issued on June 30, 2012, there was a testing of the Supplementary Schedule of Court Fines, Assessments, and Surcharges in the Town's financial statements for the year ending May 31, 2012. During this testing, the State Auditor noted the amount for total fines collected and retained on the Supplementary Schedule did not agree with the amounts recorded in the Town's General Ledger. The variance was comprised of fines received but not reported from municipal ordinance violations. The Town Clerk stated she was unaware fines from municipal ordinance violations should be included on the Supplementary Schedule. As a result, the Auditor recommended the Town implement procedures to ensure amounts reported on the Supplementary Schedule are accurately reported in accordance with State Law.

Prior to conducting, the DCVC 90 Day Follow up Audit Site Visit, the Auditor requested written steps taken to ensure amounts are accurately reported on the supplementary schedule in accordance with State law to be submitted by July 7, 2017; however, they were not received.

*Discussion Cont.*

During the site visit on July 18, 2017, the Auditor interviewed the Clerk to determine what steps were taken to ensure the amounts reported on the Supplementary Schedule are accurate in accordance with State law. The Clerk stated she was now aware that fines from municipal ordinance violations should be included on the Supplementary Schedule and has started using the Schedule of Fines and Assessment (excel) spreadsheet developed and provided by the State Auditor. Additionally, she contacted The South Carolina Court of Administration to check for any changes to assessment and surcharges. She has noted there were no changes in surcharges and assessments calculations since 2012. In the future, the Clerk will be using the Law Trak system, which will aid and assist in maintaining an accurate accountability of funds. The Clerk submitted the written procedures on July 24, 2017 via email.

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**Recommendation(s)**  
**and Comments**

No further recommendations

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**Objective(s), Conclusion(s), Recommendation(s), and Comments**

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**E. Victim Assistance Funds**

**Objective** Were Victim Assistance Funds expended in accordance with State law?

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**Conclusion** Yes, the Victim Assistance funds were expended in accordance with State law. The Town had a contract with Union County for their Victim Services and remitted all funds to them as outlined in the contract agreement.

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**Background** Proviso 117.51 (GP): Assessment Audit / Crime Victim Funds

Proviso 93.27 State Victim Assistance Program (SVAP)

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**Discussion** As a part of the 90 Day Follow up Audit, the Auditor reviewed the Victim Assistance Expenditure reports to determine if the VA fund were expended in accordance with State law. After reviewing the DCVC budget folder for the Town, it was determined the Town did not have a Victim Advocate and had a contract with Union County for their advocacy needs. In addition, upon review, the Victim Service contracts over the years stated funds received were to be submitted to the County.

Victim Service Reports During the site visit on July 18, 2017, the Auditor inquired if all parties were satisfied with the current Victim Service contract, which has been in place since February 17, 2011. The Mayor, Town Clerk, and County Advocate stated they were satisfied with the current contract. The Advocate was asked if she provided Victim Service reports to the Town on a monthly, quarterly, and yearly basis. The County Advocate stated she did not provide reports because there was little activity in the Town and the reports would ultimately have limited information. The Victim Advocate was advised she was still required to provide reports to the Town even if there is no activity as part of the contract, and that this was for accountability purposes as well.

*Victim Service  
Reports Cont.*

The advocate agreed and stated she would go back and provide the past reports to the Mayor and Chief for the Town of Jonesville. Copies of the reports for the calendar years 2015, 2016, and January through May 2017 were submitted and received by the Auditor via email on July 21, 2017. According to the reports, the Advocate provided services for 6 victims in 2015, 2 victims in 2016, and 4 victims for the period covered in 2017.

In addition, the Victim Advocate stated they were in the process of signing a new contract and there would be no changes. The Mayor signed the new contract at the time of the site visit and the Victim Advocate took the contract back to obtain the signatures from county officials. The contract was submitted and received by The Department of Crime Victim Compensation via email on July 21, 2017. Based on a review of the contract, it appears to represent information obtained during the site visit and includes the following details: the Victim Advocate will be an employee of Union County at all times, the Victim Advocate's job description will be revised and updated to incorporate additional duties regarding providing services to the Town of Jonesville, Union County Advocate will provide monthly, quarterly, and year end reports regarding the number of victims and services provided on behalf of the Town of Jonesville, and the monies collected that are retained by the Town of Jonesville and transmitted to Union County will be placed in the Victim Services account through the Union County Treasurer's Office just as if those funds were maintained by Union County through General Sessions and Magistrate's Court Surcharges. However, the funds will be required to be accounted for separately.

*Annual VA Fund  
Disbursement*

During the audit site visit, the Auditor inquired about the disbursement check to the County. According to the Town Clerk, the Town's fiscal year is from June 1-May 31 and the check is issued annually. However, the check for FY 16 should have been submitted on or around June 30, 2016 but was not written until March 31, 2017 (8 months later). The Auditor inquired about the timeframe of the check. The Clerk stated she was out of work and got behind on her duties. However, on March 31, 2017, a disbursement check for FY 2016 in the amount of \$891.55 (75% of collections) was sent to the County.

*Annual VA Fund  
Disbursement Cont.*

However, upon further evaluation of the FY 2016 STRRF, the Auditor found an error in the amount transferred to the County for the FY 2016 disbursement. The total amount of funds collected for the Victim Assistance funds was **\$1,238.74**; therefore, after retaining 25% (\$309.68) of the collected funds the Town should have remitted \$929.06 (75% of 1238.74) to the County for fiscal year 2016. The check amount sent to the county was \$891.55. The Auditor informed the Clerk of the difference in the amount. The Clerk stated she would forward a check for the difference of \$37.51 to the County. On August 2, 2017, the Auditor received a copy of the check from the Town's General fund dated the same day for \$37.51 to the County.

In addition, a check in the amount of \$1,867.22 (75% of collections) was sent on June 9, 2017 for the FY 2017 disbursement. According to the Clerk, as of the DCVC audit site visit, the Town will be issuing the check monthly instead of yearly beginning June 2017.

Prior to the audit site visit, according to all of the documents received, it appeared all collected Victim Assistance funds were transmitted to the County, however, during the site visit; the Clerk stated this was incorrect and the Town was retaining 25% of all Victim Assistance Fines, Fees, and Assessment funds collected. As stated earlier in the report, the Clerk submitted a bank balance report as of June 30, 2017 reflecting a balance of **\$6,317.77** in the Victim Assistance fund bank account. Upon further discussion with the Town Clerk, this did not include all retained VA funds.

On August 22, 2017, the Clerk submitted documentation showing a total of 25% retained funds balance which was \$12,668.26. Please note the following regarding the \$12,668.26:

- Victim Assistance funds found in General Fund were **\$3,704.58**.
- Victim Assistance funds found in the Victim Assistance fund bank account was **\$8,963.68** (this is part of the \$12,668.26).

In addition, the Town was required to place **\$2,645.91** in the Victim Assistance fund and did so on August 31, 2017.

*Annual VA Fund  
Disbursement Cont.*

As a result, the total amount to be transferred to the County was **\$15,314.17**.

The Town made the following disbursement payments to the County:

- On August 17, 2017, the Clerk submitted a check for **\$8,964.00** written to Union County which left a balance of **\$6,350.17** to be submitted to the County.
- On August 22, 2017, the Clerk submitted an additional check for **\$3,704.26** written to Union County leaving a balance of **\$2,645.91** to be submitted.
- On September 1, 2017, the Clerk submitted a final check in the amount of **\$2,645.91**.

Therefore, the Town has submitted all of the 25% retained funds and submitted **\$15,314.17** to the County Victim Assistance program per the Victim Assistance Contract. As of September 7, 2017, the Victim Assistance Bank account has been closed. The account had .32 in interest that will be added to the September disbursement to the County.

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**Recommendation(s)  
and Comments**

No further recommendations

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**Objective(s), Conclusion(s), Recommendation(s), and Comments**

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**F. Technical Assistance****Documentation Provided**

During our site visit we explained and provided the following documents:

1. Copy of the Legislative Proviso 117.51
2. Copy of the Legislative Proviso 97.9
3. Copy of the Legislative Proviso 93.27
4. Copy of a Sample Budget
5. Sample Staff Hired Report
6. Sample Time and Activity Report
7. Sample Expenditure Report
8. Victim Advocate Procedural Manual
9. 2017 Approved Guidelines
10. Technical Assistance

**Other Matters**

There are no other matters.

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## Corrective Action

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*Proviso 117.51 states:*

*“If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization’s subsequent fiscal year appropriation.”*

**DCVC completed the 90 Day Follow-up Audit Review on October 11, 2017.**

**All errors were rectified within the timeframe specified of 90-days as required for this 90 Day Follow-up Audit Site Visit. Therefore, there are no further actions or recommendations as it relates to this audit report.**

**For an overview of the 90 Day Follow-up Audit Site Visit results please refer to the “Results in Brief” section of this report.**

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## **Appendix(s)**

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Appendix A – Town of Jonesville Municipal Court State Auditor’s Report  
Issued June 30, 2012

# Appendix A

Town of Jonesville Municipal Court State Auditor's Report  
Issued June 30, 2012

**TOWN OF JONESVILLE MUNICIPAL COURT  
JONESVILLE, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT**

**JUNE 30, 2012**

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# State of South Carolina



## Office of the State Auditor

1401 MAIN STREET, SUITE 1200  
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA  
DEPUTY STATE AUDITOR

(803) 253-4160  
FAX (803) 343-0723

### INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

March 12, 2013

The Honorable Nikki R. Haley, Governor  
State of South Carolina  
Columbia, South Carolina

The Honorable Calvin L. Payton, Municipal Judge  
Town of Jonesville Municipal Court  
Jonesville, South Carolina

Ms. April Smith, Town Clerk  
Town of Jonesville  
Jonesville, South Carolina

We have performed the procedures described below, which were agreed to by the Town of Jonesville and the Town of Jonesville Municipal Court, solely to assist you in evaluating the performance of the Town of Jonesville Municipal Court for the twelve month period ending June 30, 2012, in the areas addressed. The Town of Jonesville and the Town of Jonesville Municipal Court are responsible for its financial records, internal controls and compliance with State laws and regulations. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the Town of Jonesville and the Town of Jonesville Municipal Court. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. **Clerk of Court**

- We gained an understanding of the policies and procedures established by the Clerk of Court to ensure proper accounting for all fines, fees, assessments, surcharges, forfeitures, escheatments, or other monetary penalties.
- We obtained certain judgmentally selected Jonesville Municipal Court dockets 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 ensure that the fine, fee, assessment or surcharge was properly allocated in accordance with applicable State law. We also determined whether the fine, fee, assessment and/or surcharge adhered to State law and to the South Carolina Court Administration fee memoranda.

The Honorable Nikki R. Haley, Governor  
and  
The Honorable Calvin L. Payton, Municipal Judge  
Ms. April Smith, Town Clerk  
Town of Jonesville  
March 12, 2013

Our findings as a result of these procedures are presented in Remittance of Assessments and Surcharges in the Accountant's Comments section of this report.

2. **Town Treasurer**

- We gained an understanding of the policies and procedures established by the Town to ensure proper accounting for court fines, fees, assessments, surcharges, forfeitures, escheatments, or other monetary penalties.
- We obtained copies of all State Treasurer's Revenue Remittance Forms submitted by the Town for the twelve month period ending June 30, 2012. We agreed the line item amounts reported on the State Treasurer's Revenue Remittance Forms to the court cash receipt records and to the State Treasurer's receipts. We also agreed the total revenue due to the State Treasurer to the general ledger.
- We determined if the State Treasurer's Revenue Remittance Forms were submitted in a timely manner to the State Treasurer in accordance with State law.
- We verified that the amounts reported by the Town on its supplemental schedule of fines and assessments for the fiscal year ended May 31, 2012, agreed to the State Treasurer's Revenue Remittance Forms and to the Town's general ledger. We also determined if the supplemental schedule of fines and assessments contained all required elements in accordance with State law.

Our findings as a result of these procedures are presented in Timely Submission of State Treasurer's Revenue Remittance Form, Accurate Reporting, and Supplementary Schedule in the Accountant's Comments section of this report.

3. **Victim Assistance**

- We gained an understanding of the policies and procedures established by the Town to ensure proper accounting for victim assistance funds.
- We made inquiries and performed substantive procedures to determine if any funds retained by the Town for victim assistance were accounted for in a separate account.
- We tested victim assistance expenditures to ensure that the Town expended victim assistance funds in accordance with State law and South Carolina Court Administration Fee Memoranda, Attachment L.
- We determined if the Town reported victim assistance financial activity on the supplemental schedule of fines and assessments in accordance with State law.
- We inspected the Town's general ledger to determine if 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.

The Honorable Nikki R. Haley, Governor  
and  
The Honorable Calvin L. Payton, Municipal Judge  
Ms. April Smith, Town Clerk  
Town of Jonesville  
March 12, 2013

4. **Calculation of Over/(Under) Reported Amounts**

- We prepared a schedule of fines, fees, assessments and surcharges for the Town for the 36 months ended June 30, 2012 using the Court's cash receipts records. We compared amounts from this schedule to amounts reported on the State Treasurer's Revenue Remittance Forms and calculated the amount over/(under) reported by the Town by category.

The results of our procedures disclosed that the Town had over reported amounts due to the State and under reported amounts due to the Victim Assistance fund. See Attachment 1 in the Accountant's Comments section of this report for further detail.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on compliance with the collection and distribution of court generated revenue at any level of court for the twelve month period ending June 30, 2012, and, furthermore, we were not engaged to express an opinion on the effectiveness of internal controls over compliance with the laws, rules and regulations described in paragraph one and the procedures of this report. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor, Chairman of the House Ways and Means Committee, Chairman of the Senate Finance Committee, Chairman of the House Judiciary Committee, Chairman of the Senate Judiciary Committee, members of the Town of Jonesville Town Council, Town of Jonesville Municipal Judge, Town of Jonesville Clerk, Town of Jonesville Clerk of Court, State Treasurer, State Office of Victim Assistance, and the Chief Justice and is not intended to be and should not be used by anyone other than these specified parties.



Richard H. Gilbert, Jr., CPA  
Deputy State Auditor

**ACCOUNTANT'S COMMENTS**

**SECTION A – VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS**

Management of the entity is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations governing court collections and remittances. The procedures agreed to by the entity require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.

## **REMITTANCE OF ASSESSMENTS AND SURCHARGES**

### **107.5% Assessment**

During our test of Municipal Court collections and remittances, we noted three instances where the Town did not remit the 107.5% assessment on fines as required by State law.

We discussed the finding with the Municipal Judge and he indicated that municipal ordinance violation fines included the applicable State assessments and surcharges. However the Town Clerk stated she was not aware that State assessments and surcharges were applicable to municipal ordinance violations. Therefore, the State's share of the assessment and surcharge was not reported on the monthly STRRF and remitted to the State Treasurer.

Section 14-1-208(A) of the 1976 South Carolina Code of Laws, as amended, states, "A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended."

### **Conviction Surcharge**

During our test of Municipal Court collections and remittances, we noted four instances where the Town did not retain the required \$25 conviction surcharge for victims' services.

We discussed the finding with the Municipal Judge and he indicated that municipal ordinance violation fines included the applicable State assessments and surcharges. However the Town Clerk stated she was not aware that State assessments and surcharges were applicable to municipal ordinance violations. Therefore, the State's share of the assessment and surcharge was not reported on the monthly STRRF and remitted to the State Treasurer.

Section 14-1-211 (A)(1) of the 1976 South Carolina Code of Laws, as amended, states, "In addition to all other assessments and surcharges...a twenty-five dollar surcharge is imposed on all convictions obtained in magistrates and municipal courts in this State. No portion of the surcharge may be waived, reduced, or suspended."

### **Law Enforcement Funding Surcharge**

During our test of Municipal Court collections and remittances, we noted three instances where the Town did not remit the \$25 law enforcement funding surcharge.

We discussed the finding with the Municipal Judge and he indicated that municipal ordinance violation fines included the applicable State assessments and surcharges. However the Town Clerk stated she was not aware that State assessments and surcharges were applicable to municipal ordinance violations. Therefore, the State's share of the assessment and surcharge was not reported on the monthly STRRF and remitted to the State Treasurer.

Section 14-1-212 (A) of the 1976 South Carolina Code of Laws, as amended, states, "In addition to all other assessments and surcharges, a twenty-five dollar surcharge is imposed on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates or municipal court for misdemeanor traffic offenses or for nontraffic violations."

### **Criminal Justice Academy Surcharge**

During our test of Municipal Court collections and remittances, we noted three instances where the Town did not remit the \$5 criminal justice academy surcharge.

We discussed the finding with the Municipal Judge and he indicated that municipal ordinance violation fines included the applicable State assessments and surcharges. However the Town Clerk stated she was not aware that State assessments and surcharges

were applicable to municipal ordinance violations. Therefore, the State's share of the assessment and surcharge was not reported on the monthly STRRF and remitted to the State Treasurer.

Proviso 90.5 of the 2011-2012 Appropriations Act states, "In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended."

### **Recommendation**

We recommend the Town implement procedures to ensure assessments and surcharges are imposed in accordance with applicable State law.

### **TIMELY SUBMISSION OF STATE TREASURER'S REVENUE REMITTANCE FORM**

During our testing of the Town's State Treasurer Revenue Remittance Forms (STRRF), we noted one of twelve STRRF was not submitted to the State Treasurer by the fifteenth day of the month as required by State law. The form was submitted twenty-four days late.

The Town Clerk stated the late submission was an oversight.

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.

We recommend the Town implement procedures to ensure the STRRF are submitted by the fifteenth day of each month in compliance with State law.

## **ACCURATE REPORTING**

During our testing of the Town's State Treasurer Revenue Remittance Forms (STRRF), we noted several amounts reported on the STRRF did not agree to the Town's court accounting records; therefore, we prepared a schedule of court fines and fees to determine if the Court over or underreported amounts reported to the State. See Schedule of Court Fines and Fees Over/(Under) Reported (Attachment 1).

The Town does not utilize a court accounting system; therefore, the Town Clerk uses a calculator tape to determine the amounts reported to the State. Based on our review, the Town Clerk incorrectly calculated the 107.5% assessment revenue reported on lines L and N of the STRRF. The Town Clerk stated she began correctly calculating the assessment in June 2012 after the Town's external auditor informed her of the calculation errors. In addition, the Town Clerk stated she inadvertently omitted some tickets from the calculations. She also stated she was not aware that assessments and surcharges should be levied on municipal ordinance violations, which resulted in variances on lines I, J, K, KA and O of the STRRF.

Section 14-1-220 of the 1976 South Carolina Code of Laws, as amended, states, "Each...municipal clerk of court or other person who receives monies from the cost of court assessments in criminal or traffic cases in the municipal courts shall transmit all these monies to the Office of the State Treasurer."

We recommend the Town implement procedures to ensure all court collections are reported and remitted to the State Treasurer in accordance with State law and have been reconciled to accounting records and reviewed for accuracy. We also recommend the Town revise and submit an amended STRRF in accordance with Attachment 1.

## SUPPLEMENTARY SCHEDULE

During our testing of the schedule of court fines, assessments and surcharges included in the Town's financial statements for the year ended May 31, 2012, we noted the amount reported for total fines collected and retained on the schedule did not agree to the amounts recorded in the Town general ledger. The schedule reported \$26,491 of total fines collected and retained and the general ledger reported \$47,647. The variance was comprised of fines from municipal ordinance violations.

The Town Clerk stated she was unaware fines from municipal ordinance violations should be included on the supplementary schedule.

Section 14-1-208(E)(1) of the 1976 South Carolina Code of Laws, as amended, states, "The supplementary schedule must include the following elements: (a) all fines collected by the clerk of court for the municipal court; (b) all assessments collected by the clerk of court for the municipal court; (c) the amount of fines retained by the municipal treasurer; (d) the amount of assessments retained by the municipal treasurer; (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and (f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward."

We recommend the Town implement procedures to ensure amounts reported on the supplementary schedule are accurately reported in accordance with State law.

Town of Jonesville Municipal Court  
 Schedule of Court Fines and Fees Over/(Under) Reported  
 For the 36 months ended June 30, 2012

Attachment 1

	<u>Allocation in Accordance with State Law</u>																		
	Total Court Collections	Public Defender Application Fee - \$40	Body Piercing	Marriage License Fee	Bond Estreatment	Boating Under the Influence (BUI)	DUS DPS Pullout - \$100	DUI Assessment - \$12	DUI Surcharge - \$100	DUI DPS Pullout - \$100	DUI/DUAC Breathalyzer Test - \$25	Drug Surcharge - \$150 per case	Law Enforc. Surcharge - \$25 Per Case	Criminal Justice Academy Surcharge - \$5 Per Case	Municipal - State Assessment	Municipal Traffic Education Program \$140 Application Fee	Municipal - Victim Services Assessment	Municipal - Victim Services Surcharge	Municipal - Other Victim Services Assessments
Total FYE June 2010	34,372.53	-	-	-	-	-	500.00	12.00	100.00	100.00	-	100.00	10,325.00	2,065.00	18,585.79	-	2,334.74	250.00	-
Total FYE June 2011	58,620.08	-	-	-	-	-	500.00	-	-	-	-	-	16,750.00	3,350.00	33,266.20	-	4,178.88	575.00	-
Total FYE June 2012	56,861.18	-	-	-	-	-	200.00	36.00	300.00	300.00	-	300.00	16,575.00	3,315.00	30,681.04	-	3,854.14	1,300.00	-
<b>Total Court Collections per Cash Receipt Records</b>	149,853.79	-	-	-	-	-	1,200.00	48.00	400.00	400.00	-	400.00	43,650.00	8,730.00	82,533.03	-	10,367.76	2,125.00	-
<b>Remittances per State Treasurer's Revenue Remittance Forms</b>	143,922.04	-	-	-	-	-	1,200.00	48.00	400.00	-	-	200.00	39,725.10	7,940.00	94,408.94	-	-	-	-
<b>Total Retained for Victim Assistance</b>	9,846.85	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9,846.85	-	-
	<u>(3,915.10)</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Balance Due From/(Due to) State	6,561.01	-	-	-	-	-	-	-	-	(400.00)	-	(200.00)	(3,924.90)	(790.00)	11,875.91	-	-	-	-
Balance Due From/(Due to) Victim Assistance	(2,645.91)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(520.91)	(2,125.00)	-
State Treasurer Revenue Remittance Form Line		Line A	Line B	Line C	Line D	Line E	Line F	Line G	Line H	Line I	Line IA	Line J	Line K	Line KA	Line L	Line LA	Line N	Line O	Line OA

**TOWN'S RESPONSE**

**TOWN OF JONESVILLE**

**P.O. BOX 785**

**JONESVILLE, SC 29353**

**PHONE: 674-5746**

**May 21, 2013**

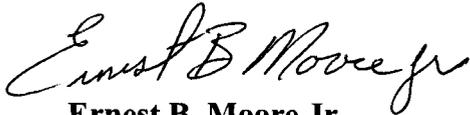
**Mr. Richard H. Gilbert, Jr., CPA  
Deputy State Auditor  
Office of the State Auditor  
1401 Main Street, Suite 1200  
Columbia, SC 29201**

**Dear Mr. Gilbert:**

**We have read over the report and we are authorizing the release of the report. We have discussed each issue and addressed the findings. Our Town is very small with only 911 in the town limits, which makes it hard to have the revenue for the computer programs we need for our reports. We have put in for a grant to purchase the Law Trax program to ensure that our report will be more accurate in the future.**

**We would like to thank Jessica Hunt for being so kind and patience with our clerk during the audit.**

**Sincerely,**



**Ernest B. Moore Jr.  
Mayor**

5 copies of this document were published at an estimated printing cost of \$1.49 each, and a total printing cost of \$7.45. Section 1-11-125 of the South Carolina Code of Laws, as amended requires this information on printing costs be added to the document.



ALAN WILSON  
ATTORNEY GENERAL

Programmatic Review Completed by:

*Teresa Green*

Teresa Green, DCVC Auditor

10/17/17

Date

Reviewed by:

*Richelle A. Melvin*

Richelle A. Melvin, DCVC Senior Auditor

10/17/17

Date

*Ethel Douglas Ford*

Ethel Douglas Ford, CPM, DCVC Assistant Deputy Director

10/17/17

Date

*Burke Fitzpatrick*

Burke Fitzpatrick, Crime Victim Service Division Director

10-17-17.

Date