



ALAN WILSON  
ATTORNEY GENERAL

October 23, 2019

Chief Greg Mullen  
Clemson University Police Department  
124 Ravenel Center Pl  
Seneca, SC 29678

Dear Chief Mullen,

The Office of the Attorney General, Department of Crime Victim Compensation (DCVC), is sending this notice to inform you that we have completed the Follow-up Audit to the Clemson University Municipal Court State Auditor's Report. A copy of the official report is attached for your review. This is in conformance with Act 96 [PART IV] 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.

Please be advised that all DCVC audits and follow-up reports are public information. I am requesting that you respond to the findings, in writing, within the next ten business days. Please note that, at the end of ten business days, this report will be posted on the DCVC website at [www.sova.sc.gov](http://www.sova.sc.gov) under the DCVC auditing tab.

Should you have any further questions or concerns, please feel free to contact me or Mignon Lee-Thompson, Lead Auditor, at 803.734.1900.

Sincerely,

  
Ethel Douglas Ford, CDM  
Assistant Deputy Director

Department of Crime Victim Compensation

cc: Judge Deborah Culler  
Sarah Reeves  
Wanda Rhodes  
James Gowan



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

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June 30, 2012

**Clemson University Municipal  
Court State Auditor's Report**

June 30, 2018

**Clemson University Municipal  
Court State Auditor's Report**

October 24, 2019

**Follow-up Audit Review for the  
Clemson University Municipal  
Court Victim Assistance Fines,  
Fees and Assessment Fund**

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**Disclaimer: The recommendations included in sections A thru D 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

VAFFA Fund – Victim Assistance Fines, Fees and Assessment Fund

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## Introduction and Laws

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### PREFACE

This follow-up Programmatic Review and Financial Audit was initiated as a result of Clemson University's Municipal Court audit completed by the SC State Auditor's Office June 30, 2012 and SC State Auditor's Office report dated June 30, 2018. On May 14, 2019, the Assistant Deputy Director of the Department of Crime Victim Compensation (DCVC) issued a letter to Clemson University Police Department informing them DCVC will conduct a Follow-up Audit Review in regards to the State Auditor's Office Report dated June 30, 2012. After the audit was conducted on July 11, 2019, DCVC received a second audit from the SC State Auditor's Office dated June 30, 2018. Clemson University's Municipal Court was notified that DCVC received the second audit report, and that the auditor would follow-up on recommendations from the SC State Auditor's Office in the June 30, 2018 report during the DCVC follow-up audit that was conducted July 11, 2019.

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### *Governing Laws and Regulations*

#### Act 96 [PART IV]

SECTION 13. B. Chapter 1, Title 14 of the 1976 Code is amended by adding:

"Section 14-1-211.6. (A) 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) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B), the State Auditor shall notify the Office of the Attorney General, South Carolina Crime Victim Services Division. The division is authorized to conduct an audit, which must 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 division to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds

shall be developed in collaboration with the Victim Services Coordinating Council. The Victim Services Coordinating Council, in collaboration with the director of the division, shall develop these guidelines to ensure any expenditure that meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.

(B) 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 Office of the Attorney General, South Carolina Crime Victim Services Division within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the division to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the division will place the name of the noncompliant entity or nonprofit organization on its website, where it shall remain until such time as the noncompliant entity or nonprofit organization is in compliance with the terms of this section.

(C) Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure and program data requested by the division. If the division 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 division. 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 division shall assess and collect a penalty in the amount of the unauthorized expenditure plus fifteen hundred dollars against the entity or nonprofit organization for improper expenditures. This penalty which includes the fifteen hundred dollars must be paid within thirty days of the notification by the division to the entity or nonprofit organization that the entity or nonprofit organization is in noncompliance with the provisions of this section. All penalties received by the division shall be credited to the general fund of the State. If the penalty is not received by the division within thirty days of the notification, the political subdivision must deduct the amount of the penalty from the entity's or nonprofit organization's subsequent fiscal year appropriation."

**Proviso 59.15**

**59.15. (AG: State Crime Victim Compensation)**

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 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 Office of the Attorney General 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.

The State Crime Victim Compensation Department 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.

The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive bid process.

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

*A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department will review the submitted plan and advise the county or municipality of plan compliance with statutory requirements.*

***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.

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 [excerpts]***

**Courts – General Provisions**

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

- **Section 14-1-206, subsection(s) A, B & D:** (A) 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. (B) The county treasurer must remit 35.35 percent of the revenue generated by the assessment imposed in the county to be used for the purposes set forth in subsection (D) and 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. (D) 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.



SC Code of Law  
Title 14 (excerpts cont.)

- **Section 14-1-207 Subsection(s) A, B & D:** (A) 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. (B) The county to be used for the purposes set forth in subsection (D) and 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. (D) 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.
- **Section 14-1-208 Subsection(s) A, B & D:** (A) 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. (B) 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 and make reports on a form and in a manner prescribed by the State Treasurer. (D) 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.
- **Section 14-1-206,207,208 Subsection(s) E:** To ensure that fines and assessments imposed are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county and municipality must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a Uniform Supplemental Schedule Form detailing all fines and assessments collected by the clerk of court for the court of general sessions, magistrate

court of the county and at the court level, the amount remitted to the county and municipal treasurers, and the amount remitted to the State Treasurer.

**Section 14-1-211 Subsection A, B, &D:** (A) 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 magistrates and municipal courts in this State. (B) The revenue collected must be retained by the jurisdiction which heard or processed the case and paid to the city or county treasurer,

- **Section 14-1-211 Subsection A, B, &D:** (B) 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 the requirements contained in this provision. 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 appropriated for the exclusive purpose of providing victim services as required by Chapter 3, Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Chapter 3, Article 15 of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Chapter 3, Article 15 of Title 16. 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.

(D) (1) The supplementary schedule must include the following elements:

- (a) all surcharges collected by the clerk of court for the general sessions, magistrate's, 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.

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## **Introduction and Legislative**

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### **PRIOR AUDIT RESULTS**

The SC State Legislative Act 96 (Part IV) mandates the Department of Crime Victim Compensation to conduct a Follow-up Audit which shall include both a programmatic review and financial audit of any entity or nonprofit 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 Clemson University Municipal Court. Therefore, a DCVC follow-up audit was conducted on 2 State Auditor's Office reports. One was dated June 30, 2012 and received by DCVC on July 13, 2013 and a second report dated June 30, 2018 and received by DCVC in July 2019.

**This Follow-up Audit for the Clemson University Municipal Court was based on the SC State Auditor's Office initial audit findings and recommendations. (Appendix A and B)**

**DCVC Audit Objective was;**

- To determine if all errors and recommendations issued by the SC State Auditor's Office reports dated June 30, 2012 and June 30, 2018 were adhered to as required by State laws and regulations.

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### **RESULTS IN BRIEF**

Yes, all recommendations as outlined in the Clemson University's Municipal Court Auditor's Office Report dated June 30, 2012 and June 30, 2018 were adhered to as required by State law. Clemson University Municipal Court implemented procedures to ensure forms are submitted to Clemson University Student Affairs Business Operations in compliance with State law. Clemson University also implemented procedures to ensure the State Treasurer Revenue Remittance Forms (STRRFs) and payments are submitted by the 15th day to the State Treasurer's Office following the month being reported. Also, Clemson University reimbursed the Victim Assistance Fund \$50.00 for expenditures improperly charged to the victim fund and implemented procedures to ensure victim assistance revenue is used only for allowable expenditures.

In addition, all implemented procedures are in writing and have been distributed to relevant personnel.

According to the State Auditor's Office report dated June 30, 2018, Clemson University paid a portion of an officer/victim advocate's salary with Victim Assistance funds. The salary was paid from FY14-FY19 totaling **\$44,329.23**. After reviewing expenditures submitted for FY12-FY19, the DCVC Auditor also determined according to the Approved Guidelines that Clemson University had **\$1,012.43** in unallowable expenditures for department vehicle repairs and officer equipment. Therefore, since the State Auditor did not recommend reimbursement, the DCVC Auditor recommended Clemson University reimburse the Victim Assistance Fund **\$44,329.23** for unallowable salary paid to the officer/victim advocate from FY14-FY19, and **\$1,012.43** in unallowable expenditures from FY14-FY19 for department vehicle repairs and officer equipment totaling **\$45,341.66**.

Clemson University is required to submit a victim assistance ledger and journal entry as supporting documentation showing these funds have been reimbursed. The reimbursement is required to take place prior to the DCVC 90 day follow-up audit.

As a result of the reimbursement and failure to spend 90% of funds collected and retained, the DCVC Auditor also recommended Clemson University for FY16-17, FY17-18, and FY18-19 remit **\$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15. After funds have been submitted to SVAP, Clemson University is required to submit a copy of the check as supporting documentation that funds have been remitted to SVAP. The SVAP remittance is required to take place after the Victim Assistance Fund reimbursement and prior to the DCVC 90 day follow-up audit.

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

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**A. Municipal Court Remittance Forms****Clemson University Municipal Court State Auditor's Report June 30, 2012****Objective**

Did the Municipal Court implement procedures to ensure monthly remittance forms are submitted to Clemson University Student Affairs Business Operations in compliance with State law? Did the Municipal Court implement procedures to document the date of submission?

**Conclusion**

Yes, Clemson University Municipal Court implemented procedures to ensure monthly remittance forms were submitted to Clemson University Student Affairs Business Operations in compliance with State law. In addition, Clemson University Municipal Court has also implemented procedures to document the date of submission as recommended in the State Auditor's report issued June 30, 2012.

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**Background**

South Carolina Code of laws Section 14-25-85

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**Discussion**

According to the State Auditor's report dated June 30, 2012, (See Appendix A) the auditor noted four instances where Clemson University Municipal Court did not submit the remittance forms and supporting financial data to Clemson University Student Affairs Business Operations in accordance with State law.

According to Section 14-25-85, of the 1976 South Carolina Code of laws, as amended, states, "All fines and penalties collected by the municipal court shall be forthwith turned over by the clerk to the treasurer of the municipality for which such court is held." The State Auditor determined forthwith to mean no more than five business days from the first working day of the month after collection.

The State Auditor recommended the Municipal Court implement procedures to ensure the monthly remittance forms are submitted to Clemson University Student Affairs Business Operations in compliance with State law. The state auditor also recommended the Municipal Court implement procedures to document the date of submission.

Prior to the follow-up audit site visit on July 11, 2019, the DCVC Auditor requested the Municipal Court provide procedures to ensure monthly remittance forms are submitted to Clemson University Student Affairs Business Operations in compliance with State law, and develop procedures documenting the date monthly Remittance Forms are submitted to Clemson University by the Municipal Court. The Account Fiscal Analyst submitted documents via email on June 3, 2019 stating the following:

“On or about the 3<sup>rd</sup> of each month, the Municipal Court will submit the monthly remittance forms and supporting financial data to the Clemson University Student Affairs Business Operations (CU SABO) in accordance with State law. This involves running the following Case Management System (CMS) reports; SC State Treasurer's Revenue Remittance Form, Disbursement Report, Daily Deposits Listing, Payment Error Listing, Voided Receipts and Open Items Report.”

“The "Date submitted" on the SC State Treasurer's Revenue Remittance Form is the date the court runs the report in CMS. The court will ensure that this date is amended if the report does not go to CU SABO on that date.”

Policies and procedures were prepared by the Municipal Judge for Clemson University Municipal Court. During the audit site visit, the DCVC Auditor asked the Municipal Court Judge if the policies and procedures had been distributed to all relevant personnel. She stated, “yes” the policies and procedures have been distributed to all relevant personnel. Therefore, Clemson University Municipal Court is compliant with the State Auditor's recommendation per audit dated June 30, 2012.

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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. State Treasurer Revenue Remittance Forms****Clemson University Municipal Court State Auditor's Report June 30, 2012****Objective**

Did Clemson University implement procedures to ensure the State Treasurer Revenue Remittance Forms (STRRFs) are submitted by the 15th day of the month in compliance with State law?

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**Conclusion**

Yes, Clemson University implemented procedures to ensure the State Treasurer's Revenue Remittance Forms (STRRFs) are submitted by the 15th day of each month in compliance with State law.

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**Background**

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

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**Discussion**

According to the State Auditor's report dated June 30, 2012, (See Appendix A) the State Auditor noted ten out of twelve instances where Clemson University did not submit the monthly South Carolina State Treasurer's Revenue Remittance Forms (STRRFs) by the fifteenth day of the month as required by State law. The auditor noted the forms were submitted from four to eighteen days later.

According to Section 14-1-208(B) of the 1976 South Carolina Code of Laws, as amended, "requires Clemson University to remit the balance of the assessment revenue to the State Treasurer monthly by the fifteenth day of each month and make reports on a form and in a manner prescribed by the State Treasurer."

The State Auditor recommended in the audit dated June 30, 2012 that Clemson University implement procedures to ensure the STRRFs are submitted by the 15th day of each month in compliance with State law.



According to a second State Auditor's report dated June 30, 2018, the State Auditor noted four instances out of twelve where Clemson University did not submit the monthly SC State Treasurer's Revenue Remittance Forms by the 15th day of each month. In the State Auditor's report dated June 30, 2018, management stated; "The Remittance Report is currently a part of the monthly procedures and processes that have been put into place during the 2018-2019 fiscal year. This will hopefully prevent this oversight in the future". Therefore, after reviewing the submitted STRRFs for FY18-19, there was only one instance where the STRRFs were not submitted by the 15th day of the month.

Prior to the DCVC follow-up audit site visit on July 11, 2019, the DCVC Auditor requested Clemson University provide procedures to ensure that the STRRFs are submitted by the fifteenth day of each month in compliance with State law and STRRFs for FY12-FY19. The Account Fiscal Analyst submitted policies, procedures and STRRFs for FY12-FY19 via email on June 3, 2019 as requested.

The policies and procedures received stated, "On or about the 3<sup>rd</sup> of each month, the Municipal Court will submit the monthly remittance forms and supporting financial data to the Clemson University Student Affairs Business Operations (CU SABO) in accordance with State law. The CU SABO representative will ensure that all supporting financial data is reconciled to the existing Case Management System (CMS) and Clemson University CUBS reporting system. Total revenue due to the State Treasurer will be entered in the Clemson University BuyWays Procurement system no later than the 10th of each month for a check distribution to the State of South Carolina, State Treasurer's Office, 1200 Senate Street, Suite 214 Wade Hampton Office Building Columbia, SC, 29201. Total revenue due to the Victim's Witness Fund and Municipal Court will be credited to the appropriate accounts using the CU CUBS system."

"If the monthly remittance forms and supporting financial data is not submitted by the Municipal Court to CU SABO by the 5th of each month, the CU SABO representative will contact the Municipal Court to ensure that all State requirements and deadlines are met."

"CU SABO will maintain all report documentation for the required retention period."

During the audit site visit, the DCVC Auditor asked the Account Fiscal Analyst if the policies and procedures had been distributed to all relevant personnel, and she stated “yes.”

Clemson University has policies and procedures in writing to ensure STRRFs are submitted by the 15th day of the month in compliance with State law. Therefore, Clemson University is compliant with the State Auditor's recommendation per the State Auditor's report dated June 30, 2012.

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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. Victim Witness Fines Fees and Assessment Fund  
Expenditure Reports****Clemson University Municipal Court State Auditor's Report June 30, 2012**

<b>Objective</b>	Did Clemson University reimburse the Victim Assistance Fund <b>\$50.00</b> for unallowable expenditures? Did Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures?
<b>Conclusion</b>	Yes, Clemson University reimbursed the Victim Assistance Fund <b>\$50.00</b> for unallowable expenditures. Clemson University also established and implemented policies and procedures to ensure victim assistance revenue is used only for allowable expenditures.
<b>Background</b>	South Carolina Code of Laws 14-1-208 Act 96
<b>Discussion</b>	According to the State Auditor's report dated June 30, 2012, (See Appendix A) the State Auditor noted Clemson University charged <b>\$50.00</b> to a towing company for towing a victim's stolen golf cart. Section 14-1-208(D) of the 1976 South Carolina Code of Laws, as amended, states, "The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts." In addition, the South Carolina Court Administration Memorandum, Attachment L, dated June 30, 2011, and the South Carolina Victim Service Coordinating Council, Approved Guide for Expenditures of Monies Collected for Crime Victim Service in Municipalities and Counties, effective January 2010, set forth guidelines for expenditures of monies collected for crime victim services."

Per the State Auditor's report dated June 30, 2012, the State Auditor recommended Clemson University reimburse the Victim Assistance Fund for the \$50.00 unallowable expenditure. The State Auditor also recommended Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures.

Therefore, the DCVC Auditor requested a copy of the policies and procedures to ensure Victim Assistance revenue is used only for allowable expenditures as outlined by the Approved Guidelines. The Account Fiscal Analyst submitted reimbursement documentation, policies, and procedures via email on June 3, 2019.

During the follow-up audit site visit, the DCVC Auditor asked the Chief if policies and procedures had been distributed to all relevant personnel, and he stated, "yes." The DCVC Auditor asked the victim advocate how much of his time was spent on providing direct victim services, and he stated, "less than 1%." The auditor then explained if any portion of the advocate's salary was paid from the fund, the advocate would be required to complete 90 consecutive days of Time and Activity Sheets (T&A) to document his time providing direct victim services. After the completion of the T&A sheets, the auditing department would review and determine the percentage that could be used for allowable expenditures. The Chief and the advocate determined due to the amount of time spent on providing direct victim services (less than 1%), T&A sheets were not necessary because they were only using Victim Assistance Funds for Victim Service Provider (VSP) training, which can be paid at 100% from the Victim Assistance Fund. When asked if any other Victim Assistance Funds are being utilized, the Fiscal Analyst stated, "yes" funds are used to print Victim Notification Forms when needed. The printing of these forms are an allowable expense.

The DCVC Auditor also asked the Fiscal Analyst if Clemson University submitted an annual victim assistance budget as required by law. She stated she had been with Clemson University 19 years and was unaware of the budget requirement.

The DCVC Auditor provided copies of Act 96 which states, "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 Office of the Attorney General, South Carolina Crime Victim Services Division within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the division to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the division will place the name of the noncompliant entity or nonprofit organization on its website, where it shall remain until such time as the noncompliant entity or nonprofit organization is in compliance with the terms of this section." Therefore, the DCVC Auditor requested the victim assistance budget be submitted for FY19-20 and for each year going forward.

According to a second State Auditor's report dated June 30, 2018, the State Auditor noted that Clemson University paid a portion of an officer/advocate's salary from the Victim Assistance Fund. Clemson University did not keep and maintain Time and Activity Sheets (T&A) as required by the Department of Crime Victim Compensation Auditing Department. Also, the University never contacted DCVC regarding the dual role of the advocate. If an advocate is serving in a dual role, they are required to keep and maintain 90 consecutive days of Time and Activity Sheets. After the dual role advocate completes 90 days of T&A, DCVC auditing department will review the documents and determine the allowable percentage for utilizing the Victim Assistance Fines, Fees, and Assessment Funds for providing direct victim services to crime victims. As stated above, Clemson University did not contact DCVC; therefore, a percentage has never been determined. A victim advocate's salary can only be paid in full when the advocate is full-time or part-time, and spends 100% of their time providing direct victim services to crime victims and has no other duties or responsibilities.

Per the information in the audit dated June 30, 2018, the DCVC Auditor requested Supplemental Schedules, Expenditures, and Revenue Remittance forms for FY12-FY19 to determine revenue collected, funds carried forward, and expenditures.

This information aided in determining from FY12-FY19 the Victim Assistance Fund balance as of July 1, 2019. These documents were received by the auditor July 24, 2019.

After reviewing the Supplemental Schedules from FY12-FY19, it was determined as of July 1, 2011, there was **\$21,794** in the Victim Assistance Fund. On the date of the follow-up audit site visit which was July 11<sup>th</sup> 2019, the Fiscal Analyst stated according to documents there was **\$14,237.75** in the Victim Assistance Fund. The Fiscal Analyst also provided documentation stating that Clemson University paid **\$44,329.23** in salaries for the officer/advocate between FY14-FY19 which is unallowable, because the victim advocate is considered a dual role advocate and cannot be paid at 100% out of the fund.

Clemson University never requested a percentage and did not provide DCVC with T&As; therefore, a percentage was never given to them notating how much of the advocate's salary could be paid from the Victim Assistance Fund as required by DCVC Auditing Department.

After reviewing expenditures for FY12-FY19, it was determined that Clemson University had **\$1,012.43** in unallowable expenditures according to the Approved Guidelines for department vehicle repairs and police equipment. These are not allowable expenditures since they did not have a percentage provided to them for usage. Therefore, Clemson University will be required to reimburse the Victim Assistance Fund **\$44,329.23** for unallowable salaries and **\$1,012.43** in unallowable expenditures for vehicle repairs and officer equipment totaling **\$45,341.66**. As a result, it was determined that the Victim Assistance Fund balance as of July 1, 2019 should have been **\$59,579.41**.

The chart below outlines the DCVC Auditor's findings regarding Victim Assistance Revenue, Salary Reimbursement, Expenditure Reimbursement, and Victim Assistance Fund balance that should have been in the account as of July 1, 2019.

	Fund Balance In	REVENUE	Salary Paid	*Salary* Reimbursement	Training	Miscellaneous Expenditures	*Expenditure* Reimbursement	Carry Forward	Fund Balance
2012	\$ 21,793.82	\$ 8,651.32			\$ (591.12)	\$ (849.35)	\$ 382.37	\$ 7,593.22	\$ 29,387.04
2013	\$ 29,387.04	\$ 8,268.47			\$ (1,007.72)	\$ (1,055.07)	\$ 593.19	\$ 6,798.87	\$ 36,185.91
2014	\$ 36,185.91	\$ 8,294.70	\$ (3,960.00)	\$ 3,960.00	\$ (560.58)	\$ (405.08)	\$ 36.87	\$ 7,365.91	\$ 43,551.82
2015	\$ 43,551.82	\$ 6,605.09	\$ (4,090.96)	\$ 4,090.96	\$ (1,529.66)	\$ (203.15)		\$ 4,872.28	\$ 48,424.10
2016	\$ 48,424.10	\$ 4,650.67	\$ (9,081.14)	\$ 9,081.14	\$ (1,459.13)	\$ (204.72)		\$ 2,986.82	\$ 51,410.92
2017	\$ 51,410.92	\$ 4,696.93	\$ (10,182.61)	\$ 10,182.61	\$ (1,427.01)	\$ (164.06)		\$ 3,105.86	\$ 54,516.78
2018	\$ 54,516.78	\$ 2,895.37	\$ (9,954.24)	\$ 9,954.24	\$ (1,471.88)	\$ -		\$ 1,423.49	\$ 55,940.27
2019	\$ 55,940.27	\$ 4,773.15	\$ (7,060.28)	\$ 7,060.28	\$ (1,134.01)	\$ -		\$ 3,639.14	\$ 59,579.41
		\$48,835.70	\$ (44,329.23)	\$ 44,329.23	\$ (9,181.11)	\$ (2,881.43)	\$ 1,012.43	\$ 37,785.59	

Based on the review of Expenditures, and Revenue Remittance forms for FY12-FY19, it was determined that Clemson University did not spend at least ninety percent of the funds collected from FY17-FY19. Therefore, Clemson University can only retain and carry forward **\$25,000** as of July 1, 2019 per Proviso 59.15 which states; "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 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 Office of the Attorney General 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."

As a result of Proviso 59.15 and Clemson University's failure to meet the spending requirement, the University is required to remit **\$34,579.41** to the State Victim Assistance Program (SVAP). After payment has been made, Clemson University is required to submit a copy of the check to DCVC as confirmation of submission of funds. However, the Victim Assistance Fund is required to be reimbursed **\$45,341.66** first for the unallowable salary and expenditures as notated above. Once the **45,341.66** has been reimbursed, Clemson University is required to send the victim assistance ledger and journal entry as supporting documentation to DCVC to confirm reimbursement. Again as noted, these funds are required to be reimbursed first before the SVAP remittance.

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

The auditor recommends that Clemson University reimburse the Victim Assistance Fund **\$44,329.23** for unallowable salary paid to the officer/advocate from FY14-FY19, and **\$1,026.78** for unallowable expenditures for vehicle repairs to a department vehicle and officer equipment totaling **\$45,341.66**. Clemson University is required to send DCVC the victim assistance ledger and journal entry as supporting documentation of reimbursement.

The auditor also recommends that Clemson University remit **\$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement has been made to the Victim Assistance Fund for unallowable expenditures.

After funds have been remitted to SVAP, Clemson University is required to submit a copy of the check to DCVC as confirmation showing the remittance of funds.

Both the reimbursement to the Victim Assistance Fund and payment to SVAP will be required to take place prior to the DCVC 90 day follow-up audit (90 days from the issue date of this report).



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

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**D. Transmittal of Money****Clemson University Municipal Court State Auditor's Report June 30, 2018****Objective**

Did Clemson University implement procedures to ensure payments are submitted to the State Treasurer's Office on or before the 15<sup>th</sup> day of the month following the month being reported?

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**Conclusion**

Yes, Clemson University implemented procedures to ensure payments are submitted to the State Treasurer's Office on or before the 15<sup>th</sup> day of the month following the month being reported?

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**Background**

South Carolina code of laws 14-1-220

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**Discussion**

According to the State Auditor's report dated June 30, 2018, (See Appendix B) the State Auditor noted four instances out of twelve where Clemson University did not remit payments to the State Treasurer's Office on or before the 15th day of the month following the month being reported.

Per the South Carolina code of laws Section 14-1-220, "requires the Municipal Clerk of Court to transmit all monies received no less frequently than once each month, completed on or before the fifteenth day of the month following the month being reported."

In reviewing the State Auditor's report dated June 30, 2018, Clemson University Municipal Court management stated "Clemson University Municipal Court is a two-person operation." They have a full-time employee and one full-time Clerk of Court who acts as a back-up for the Judge, handling bond hearings and issuing warrants in the Judge's absence.

In the State Audit report dated June 30, 2018 (See Appendix B) Clemson University management also stated, "In reviewing the months in question, it appears we discovered some errors caused by our lack of running the Case Management System (CMS) Check Verification which is what clears prior month's transactions. It took us some time working with CMS IT folks to straighten that out." Management also stated, "We are reviewing our procedures to determine ways to avoid future mistakes, and by implementing those procedures. We will work closely with our municipal treasurer to implement deadlines to ensure that future reports are filed in a timely manner. Our deadlines will be to run the financial reports by the 3rd of the month and get them to the City Treasurer by the 5th of the month."

Clemson University Municipal Court now has procedures in place to ensure payments are submitted to the State Treasurer's Office on or before the 15th day of the month following the month being reported. Therefore, Clemson University is compliant with the State Auditor's recommendation per the audit dated June 30, 2018.

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**Recommendation(s)  
and Comment**

No Further Recommendations

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

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**E. Technical Assistance****Documentation Provided**

During the site visit, technical assistance and support was provided and the following documents were reviewed and explained in detail. Also, copies were provided to appropriate officials and agency representatives:

1. Copy of the Legislative Act 96
2. Copy of the Legislative Proviso 59.15
3. Copy of the Legislative Amended Proviso 59.15
4. Copy of the Legislative Proviso 98.9
5. Uniformed Supplemental Form
6. Copy of 2018 Approved Guidelines
7. Additional Approved Guidelines
8. Technical Assistance Provided

**Other Matters**

There are no other matters.

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## Corrective Action

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*Act 96 [Part IV] (C) states:*

*"Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure and program data requested by the division. If the division 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 division. 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 division shall assess and collect a penalty in the amount of the unauthorized expenditure plus fifteen hundred dollars against the entity or nonprofit organization for improper expenditures. This penalty which includes the fifteen hundred dollars must be paid within thirty days of the notification by the division to the entity or nonprofit organization that the entity or nonprofit organization is in noncompliance with the provisions of this section. All penalties received by the division shall be credited to the general fund of the State. If the penalty is not received by the division within thirty days of the notification, the political subdivision must deduct the amount of the penalty from the entity's or nonprofit organization's subsequent fiscal year appropriation."*

**The Department of Crime Victim Compensation Auditing Department conducted a follow-up audit site visit regarding the State Auditor's reports dated June 30, 2012 and June 30, 2018 on July 11, 2019. This follow-up audit report was issued on October 24, 2019.**

**All errors were corrected for the State Auditor's Office reports dated June 30, 2012 and June 30, 2018. Therefore, there are no further recommendations regarding these two reports.**

**However, the DCVC Auditor will be conducting a 90 day DCVC follow-up audit to confirm that the errors have been corrected in this follow-up audit report regarding the \$45,341.66 reimbursement to the Victim Assistance Fund and the \$34,579.41 remittance to SVAP.**

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## **Appendix(s)**

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**Appendix A – Clemson University Municipal Court State Auditor's Report Issued  
June 30, 2012**

**CLEMSON UNIVERSITY MUNICIPAL COURT**  
**CLEMSON, 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

November 19, 2012

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

Mr. James F. Barker, President  
Clemson University  
Clemson, South Carolina 29634

The Honorable Deborah Culler, Municipal Judge  
Clemson University Municipal Court  
G01C Edgar Brown Union  
Clemson, South Carolina 29634

We have performed the procedures described below, which were agreed to by the Clemson University Municipal Court, solely to assist you in evaluating the performance of the Clemson University Municipal Court for the fiscal year ended June 30, 2012, in the areas addressed. Clemson University and the Clemson University 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 specified parties in this report. 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. **Municipal Court**

- We gained an understanding of the policies and procedures established by the Municipal Court to ensure proper accounting for all fines, fees, assessments, surcharges, forfeitures, escheatments, or other monetary penalties.
- We obtained certain judgmentally selected Disbursement Reports from the Municipal Judge. We randomly selected 25 cases from the reports 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 that 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  
Mr. James F. Barker, President  
The Honorable Deborah Culler, Municipal Judge  
Clemson University  
November 19, 2012

- We tested recorded court receipt transactions to determine that the receipts were remitted in a timely manner to Clemson University in accordance with State law.

Our finding as a result of these procedures is presented in Timely Submission of Municipal Court Monthly Remittance Form in the Accountant's Comments section of this report.

**2. Clemson University**

- We gained an understanding of the policies and procedures established by Clemson University 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 Clemson University for the fiscal year ended June 30, 2012. We agreed the line item amounts reported on the State Treasurer's Revenue Remittance Forms to the monthly Disbursement Report 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 Clemson University on its supplemental schedule of fines and assessments for the fiscal year ended June 30, 2012 agreed to the State Treasurer's Revenue Remittance Forms and to Clemson University's general ledger. We also determined if the supplemental schedule of fines and assessments contained all required elements in accordance with State law.

Our finding as a result of these procedures is presented in Timely Submission of State Treasurer's Revenue Remittance Form in the Accountant's Comments section of this report.

**3. Victim Assistance**

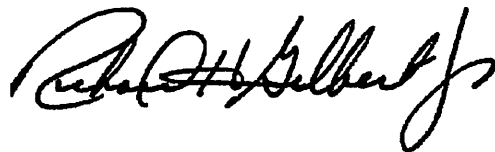
- We gained an understanding of the policies and procedures established by Clemson University to ensure proper accounting for victim assistance funds.
- We made inquiries and performed substantive procedures to determine that any funds retained by Clemson University for victim assistance were accounted for in a separate account.
- We tested judgmentally selected expenditures to ensure that Clemson University expended victim assistance funds in accordance with State law and South Carolina Court Administration Fee Memoranda, Attachment L.
- We determined if Clemson University reported victim assistance financial activity on the supplemental schedule of fines and assessments in accordance with State law.
- We inspected Clemson University's general ledger to determine if the Victim Assistance Fund balance was retained as of July 1 from the previous fiscal year in with State law.

Our finding as a result of these procedures is presented in Accounting for Victim Assistance Funds in the Accountant's Comments section of this report.

The Honorable Nikki R. Haley, Governor  
and  
Mr. James F. Barker, President  
The Honorable Deborah Culler, Municipal Judge  
Clemson University  
November 19, 2012

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 months ended 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. 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, Clemson University, Clemson University Municipal 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.

A handwritten signature in black ink, appearing to read "Richard H. Gilbert, Jr.", with a stylized flourish at the end.

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

**ACCOUNTANT'S COMMENTS**

## **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.

### **TIMELY SUBMISSION OF MUNICIPAL COURT MONTHLY REMITTANCE FORM**

During our testing of the Clemson University's State Treasurer's Revenue Remittance Forms (STRRF), we noted four instances where the Municipal Court did not submit the monthly remittance forms and supporting financial data to the University in accordance with State law.

Using the submission date documented on the STRRF by the Municipal Judge we determined that four STRRF forms were submitted from six to ten working days late. The Municipal Judge stated the late submissions were due to court accounting software issues and staffing shortages. The judge also stated the date on the STRRF form may not be the date that the STRRF form was submitted to the University.

Section 14-25-85 of the 1976 South Carolina Code of Laws, as amended, states, "All fines and penalties collected by the municipal court shall be forthwith turned over by the clerk to the treasurer of the municipality for which such court is held." We determined forthwith to mean no more than five business days from the first working day of the month after collection.

We recommend the Municipal Court implement procedures to ensure the monthly remittance forms are submitted to Clemson University in compliance with State law. We also recommend the Municipal Court implement procedures to document the date of submission.

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

During our testing of Clemson University's State Treasurer's Revenue Remittance Forms (STRRF), we noted ten out of twelve STRRF were not submitted to the State Treasurer by the fifteenth day of the month as required by State law. We determined the forms were submitted from four to eighteen days late.

The Municipal Judge attributed the late submissions to the fact that the Court did not submit the monthly STRRF to Clemson University in a timely manner because of staff shortages.

Section 14-1-208(B) of the 1976 South Carolina Code of Laws, as amended, requires Clemson University 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 Clemson University implement procedures to ensure the STRRF are submitted by the fifteenth day of each month in compliance with State law.

### **ACCOUNTING FOR VICTIM ASSISTANCE FUNDS**

During our testing of victim assistance expenditures, we noted Clemson University charged \$50 to Randy's Towing, LLC for towing a victim's stolen golf cart. Based on our understanding of Section 14-1-208(D) of the South Carolina Code of Laws, as amended, and Court Administration Memorandum, Attachment L, we determined the expenditure to be unallowable.

The University's Victim Advocate stated he was unaware this was an unallowable expenditure.

Section 14-1-208(D) of the 1976 South Carolina Code of Laws, as amended, states, "The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts." In addition, the South Carolina Court Administration Memorandum, Attachment L, dated June 30, 2011, and the South Carolina Victim Service Coordinating Council, Approved Guide for Expenditures of Monies Collected for Crime Victim Service in Municipalities and Counties, effective January 2010, set forth guidelines for expenditures of monies collected for crime victim services.

We recommend Clemson University reimburse the victim assistance funds for the unallowable expenditure. We also recommend Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures.

**COURT'S RESPONSE**





January 14, 2013

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

Re: Clemson University Municipal Court Audit

Dear Mr. Gilbert,

After sharing the preliminary draft copy of the audit report issued by your office with administrative personnel here at the University we would like to submit the following comments in response to your recommendations:

**Municipal Court**

Clemson University  
G01-C Edgar Brown Union  
Clemson, SC  
29634-4016

P 864-656-5258  
F 864-656-7116

1. **TIMELY SUBMISSION OF MUNICIPAL COURT MONTHLY REMITTANCE FORM:** We recommend the Municipal Court implement procedures to ensure the monthly remittance forms are submitted to Clemson University in compliance with State law. We also recommend the Municipal Court implement procedures to document the date of submission. The Court will implement procedures to document the date of submission and to help ensure forms are submitted timely.
2. **TIMELY SUBMISSION OF STATE TREASURER'S REVENUE REMITTANCE FORM:** We recommend Clemson University implement procedures to ensure the STRRF are submitted by the fifteenth day of each month in compliance with State law. The Court will implement procedures to help ensure the forms are submitted timely, however, please be advised that we are still learning the statewide case management system (CMS) and trying to hire permanent clerk staff positions which were vacated immediately after going live with CMS in July 2012.
3. **ACCOUNTING FOR VICTIM ASSISTANCE FUNDS:** We recommend Clemson University reimburse the victim assistance funds for the unallowable expenditure. We also recommend Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures. The victim assistance fund will be reimbursed for the unallowable expenditure. Clemson University will exercise greater caution in expending of these funds to help ensure the purpose is allowable.

Thank you for the opportunity to respond.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah R. Culler".

Deborah R. Culler  
Municipal Judge

5 copies of this document were published at an estimated printing cost of \$1.37 each, and a total printing cost of \$6.85. Section 1-11-125 of the South Carolina Code of Laws, as amended requires this information on printing costs be added to the document.

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## **Appendix(s)**

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**Appendix B – Clemson University Municipal Court State Auditor's Report Issued  
June 30, 2018**

**CLEMSON UNIVERSITY MUNICIPAL COURT  
CLEMSON, SOUTH CAROLINA**

**INDEPENDENT ACCOUNTANTS' REPORT ON  
APPLYING AGREED-UPON PROCEDURES**

**For the Year Ended June 30, 2018**



SOUTH CAROLINA OFFICE OF THE STATE AUDITOR  
1401 Main Street, Suite 1200 • Columbia, SC 29201

June 6, 2019

The Honorable Deborah R. Culler, Chief Judge  
Clemson University  
Clemson, South Carolina

James P. Clements, President  
Clemson University  
Clemson, South Carolina

This report resulting from the application of agreed-upon procedures to the accounting records of the Clemson University Municipal Court System as of and for the year ended June 30, 2018, was issued by The Hobbs Group, P.A., Certified Public Accountants, 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

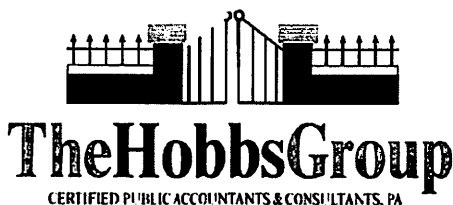
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**June 30, 2018**

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1704 Laurel Street  
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## INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

June 6, 2019

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

The Honorable Deborah R. Culler, Chief Judge  
Clemson University  
Clemson, South Carolina

James P. Clements, President  
Clemson University  
Clemson, South Carolina

We have performed the procedures described below, which were agreed to by the South Carolina Office of the State Auditor and the Clemson University Municipal Court (the "*University*"), on the systems, processes, and behaviors related to court fines and fees of the University for the period July 1, 2017 through June 30, 2018, in the areas addressed. The University is responsible for the systems, processes and behaviors related to court fines and fees. The sufficiency of these procedures is solely the responsibility of the South Carolina Office of the State Auditor and the University. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which the agreed-upon procedures 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 confirm timely reporting by the Clerk of Court's Office.
- We obtained the court dockets or equivalents from the Clerk of Court. We randomly 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.
- We randomly selected 25 court receipt transactions to confirm that the fine, fee, assessment and surcharge adhered to State law and the South Carolina Court administration fee memoranda and that the receipts were allocated in accordance with applicable State law.

We found no exceptions as a result of the procedures.

## **2. Municipal Treasurer**

- We gained an understanding of the policies and procedures established by the Municipal treasurer to confirm timely reporting by the University.
- We inspected all monthly court remittance forms or equivalents to confirm that the forms were completed in accordance with instructions and submitted timely in accordance with State law.
- We agreed the amounts reported on the monthly remittance forms or equivalents to the University's support.
- We inspected the University's support to confirm that the University properly classified fine, fee, assessment, and surcharge receipts.
- We inspected all State Treasurer's Revenue Remittance Forms for the period July 1, 2017 through June 30, 2018 and agreed the amounts reported on the State Treasurer's Revenue Remittance Forms to the court remittance forms or equivalents.
- We agreed the amounts reported by the University on its supplemental schedule of fines and assessments, as reported in the annual financial statement audit, for the period July 1, 2017 through June 30, 2018, to the University's general ledger.
- We inspected the University's supplemental schedule of fines and assessments, as reported in the annual financial statement audit, to confirm that it contained all the elements required by State law.

### **Finding -- Timely Reporting to the State Treasurer**

Four of the twelve State Treasurer's Remittance Reports for the year ended June 30, 2018 were not timely filed. The remittance report for August 2017 and September 2017 were filed in the following months which caused these reports to be one month late. The remittance report for October 2017 and November 2017 were filed two months late. South Carolina Code of Laws Section 14-1-208(B) requires the Municipal Treasurer to remit the balance of the assessment money to the State Treasurer by the fifteenth day of the month.

**Management Response:** The Remittance Report is currently a part of the monthly procedures and processes that have been put in place during the 2018-2019 fiscal year. This will hopefully prevent this oversight in the future.

### **Finding -- Timely transmittal of monies received**

Four of the twelve payments remitted to the State Treasurer were not submitted on or before the fifteenth day of the month following the month being reported. The monies received for the month of August were not remitted by the court to the Treasurer until October 5, 2017; Monies collected for October 2017 were not remitted until January 4, 2018; Monies collected for November and December 2017 were not remitted until February 1, 2018. South Carolina Code of Laws Section 14-1-220 requires the Municipal Clerk of Court to transmit all monies received no less frequently than once each month, completed on or before the fifteenth day of the month following the month being reported.

### **Management Response:**

First, Clemson University Municipal Court is a 2-person operation, a full-time job and one full-time court clerk who also acts as back-up for the Judge, handling bond hearings and issuing warrants in the Judge's absence. Since we are a college campus, football season is our busiest time of year. Add that to the fact that we have had some significant success in the area of



football in the past few years, which has increased the caseload and number of weekend on-call duty hours required of the two of employees during that particular time period. (We do not have the luxury, as some counties do, of having a designated judge to handle week-end duty.) All of the late submissions fell during this time period. Months where our reporting was late was due to the clerk working with our state software (CMS) folks or waiting on the Judge to help figure out some errors prior to submitting to the SC Treasurer.

In reviewing the months in question, it appears we also discovered some errors caused by our lack of running the CMS Check Verification which is what clears prior months. It took us some time working with CMS IT folks to straighten that out.

We are forever learning from our mistakes. We learn by recognizing them, reviewing our procedures to determine ways to avoid future mistakes, and by implementing those procedures. We will work closely with our "municipal treasurer" to implement deadlines to ensure that future reports are filed in a timely manner. Our deadlines will be to run the financial reports by the 3rd of the month and get them to the City Treasurer by the 5th of the month.

### **3. Victim Assistance**

- We gained an understanding of the policies and procedures established by the University to confirm proper accounting for victim assistance funds.
- We made inquiries and confirmed that any funds retained by the University for victim assistance were deposited into a separate account.
- We selected all (two) expenditures to confirm that the University expended victim assistance funds in accordance with State law and the South Carolina Court administration fee memoranda.
- We inspected the University's victim assistance financial activity on the supplemental schedule of fines and assessments as reported in the annual financial statement audit, and confirmed that it was in compliance with applicable State law.
- We agreed the amounts reported by the University on its supplemental schedule of fines and assessments, as reported in the annual financial statement audit for the year ended June 30, 2018, applicable to the Victim Assistance Fund, to the University's general ledger or subsidiary ledgers.
- We inspected the University's victim assistance account to confirm the Victim Assistance fund balance was retained as of July 1 from the previous fiscal year in accordance with State law.

### **Finding – Expenses**

#### **Victim's Advocate Salary Allocation not Supported**

The University pays a portion of an officer's salary with Victim Assistance funds. There is no documented job description indicating the percentage of time that the officer will serve as an advocate and no statistical research was conducted to determine the percentage of time allocated to Victim Assistance as required by the South Carolina Department of Crime Victim Compensation. Additionally, the University does not keep time and activity forms weekly showing the activities of this officer.

### **Duplicate payment of Travel Reimbursement**

We found one instance where the University overpaid one individual's travel expense by paying a reimbursement voucher submitted twice. Both of these expenses, the duplicate payment and the original payment were submitted as victim services expenditures. The mistake was discovered during testing of the agreed upon procedures engagement. Once the University's staff became aware of the system mishap, the individual was ordered to pay back the overpayment via check and did so on 4/18/19.

### **Management Response:**

#### **Item 1: Victim's Advocates Salary Allocation Not Supported**

1. At the end of 2018, the Clemson University Police Department reviewed the job description of the staff member conducting victim advocacy duties. At that time, it was updated to reflect the percentage of time that the staff member serves in an advocacy role. The job description will be reviewed annually during the staff members performance evaluation and adjusted as necessary based on data collected and reported by the Victim Advocate throughout the year.

Additionally, the University has ceased utilizing Victim Assistance funds to pay any portion of the Victim's Advocate salary. It is our intention to only utilize Victim Assistance funds for: Continuing Education, Direct Victim Support, and other authorized Victim Services activities.

2. Departmental Policy VI-02 Victim/Witness Assistance has been modified to reflect the actions that are required on a weekly, monthly, and bi-annual basis:

#### **Responsibilities of Reporting Information:**

The victim/witness advocate will track daily victim/witness activities via excel spread sheet. The victim/witness advocate will provide the Bureau Commander with a weekly report detailing any interactions with victims/witnesses of crimes. The weekly reports will be combined, and a summary of all victim/witness activities will be included in the Bureau Commander's monthly report.

On a bi-annual basis, the Bureau commander will complete a review of all Victim Advocate activities to identify any gaps in service and assess the overall productivity of the function. The review findings will be used to make necessary adjustments regarding staffing, service delivery, and funding.

#### **Expenditure of Funds Collected in Accordance with Act 96 and Retained by Clemson University for the Service of Crime Victims:**

As required by Section 14-1-208(0) SC Code of laws, any funds collected and retained by Clemson University for the service of crime victims in accordance with Section 14-1-208 (B) will be used for, and only for, the provision of services for the victims of crime. Specifically, these are services required of law enforcement by Article 15, Chapter 3, Title 16. Requests to use these funds will be submitted using the department's Administrative Action form. In the "Supplemental Information" section, the requestor will detail how the

request meets the criteria and is in compliance with the above requirements. That request will be reviewed and approved or denied by the Bureau Commander. The victim/witness advocate will keep detailed, up to date documentation of the starting budget, and each transaction into or out of the victim/witness advocate fund and submit this information to the Bureau Commander for inclusion in their Monthly report.

#### Item 2: Duplicate Payment of Travel Reimbursement

In July 2018, the Department implemented new procedures for requesting training, which requires staff members to complete an internal "Training Request Form" that is approved through the Chain of Command. This documents the approval process and ensures all training is approved prior to staff attendance.

Additionally, after identifying this issue with a duplicate payment, we have directed all staff members to cease utilizing the University's on-line reimbursement process. Our current procedure requires travelers to email their itinerary along with supporting documentation to our Administrative Program Coordinator, once training is complete, to receive reimbursement. This process will prevent duplicate entries, provide the Department written documentation for tracking and accounting of funds, and prevent duplicate payments.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be an opinion or conclusion, respectively, on the systems, processes, and behaviors related to court fines and fees of the Clemson University Municipal Court Municipal Court. Accordingly, we do not express an opinion or conclusion. 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, Chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, members of the Ridgeway University Council, the Clerk of Court, University Treasurer, State Treasurer, South Carolina Department of Crime Victim Compensation, and the Chief Justice and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

The Hobbs Group, P.A.  
Columbia, South Carolina

*The Hobbs Group, P.A.*

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# Official Post-Audit Response

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**The County/City has 10 business days from the date listed on the front of this report to provide a written response to the DCVC Assistant Deputy Director:**

**Ethel Douglas Ford, CPM  
1205 Pendleton St., Room 401  
Columbia, SC 29201**

**At the end of the ten day response period, this report and all post-audit responses (located in the Appendix) will become public information on the Department of Crime Victim Compensation (DCVC) website:**

**[www.sova.sc.gov](http://www.sova.sc.gov)**

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ALAN WILSON  
ATTORNEY GENERAL

Programmatic Review Completed by:

Mignon Lee-Thompson  
Mignon Lee-Thompson, Lead Auditor

10/23/19  
Date

Reviewed by:

Dexter H. Boyd  
Dexter Boyd, Sr. Auditor

10/23/19  
Date

Ethel Douglas Ford  
Ethel Douglas Ford, CPM, Assistant Deputy Director

10/23/19  
Date

D. Scott Beard  
D. Scott Beard, Deputy Director

10/23/2019  
Date