



ALAN WILSON  
ATTORNEY GENERAL

February 23, 2021

Chief Shawn Boseman  
Town of Honea Path  
204 S Main Street



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

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**Acronyms:**

**FFA – Fines, Fees, and Assessment**

**SOVA – State Office of Victims Assistance**

**SCLEVA – South Carolina Law Enforcement Victim Advocate**

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## Introduction and Laws

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### PREFACE

This programmatic review and financial audit was initiated as a

Department of Crime Victim Compensation's (DCVC) initial

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1-10-0010

***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

*Act 96 (cont.)*

(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

*Proviso 59.15 (cont.)*

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

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. A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the



**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.

- **Section 14-1-207 Subsection(s) A, B & D:** (A) A person

SC Code of Law

Title 14 (Lawrence cont.)

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

SC Code of Law  
Title 14 (excerpts cont.)

- **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.

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## Introduction and Legislative

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### AUDIT OBJECTIVES

The SC State Legislative Act 96 (Part IV) mandates Department of Crime Victim Compensation to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding to ensure that the crime victim funds are ~~provided in accordance with the law~~

#### Audit Objectives were:

- To determine if the Town of Honea Path developed and submitted written procedures to the auditor to ensure the conviction surcharge is properly accessed and collected according to State law.

• To determine if the Town of Honea Path submitted

\$47,775 to the State Victim Assistance Program (SVAP) for failure to meet the spending requirement per proviso 59.15 and forwarded a copy of the check submitted and supporting documentation to the DCVC Auditor before the State follow up audit.

*Accounting for Victim  
Assistance Fund*

Did the Town of Honea Path submit \$47,775 to the State  
Victim Assistance Program (SVAP) for the fiscal year ended

spending requirement per proviso 59.15 and forward a copy of  
the check submitted as supporting documentation to the DCVC  
Auditor before the state follow up audit.

No, The Town of Honea Path did not submit \$47,775 to SVAP  
and supporting documentation to DCVC before the DCVC  
initial audit. However, the Town submitted a check dated April  
21, 2020 to SVAP and sent a copy of the cancelled check and a  
current bank statement on June 8, 2020 to the DCVC Auditor

as the audit report was being prepared.

*Contract Review*

Did the Town of Honea Path properly execute the victim  
assistance contract in accordance with State law?

Yes, the Town of Honea Path did execute and continue to

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

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**A. Conviction Surcharge**

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procedures to the auditor to ensure the conviction surcharge is properly accessed and collected according to State law?

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**Conclusion**

Yes, the Town developed and submitted written procedures to the auditor to ensure the conviction surcharge is properly accessed and collected in accordance with State law.

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**Background**

South Carolina State Code of Laws of 1976 Section 14-1-211

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As a result, in the previous State Follow up audit report dated November 13, 2019; the auditor recommended the Town of Honea Path develop and submit written procedures to the auditor to ensure the conviction surcharge is properly assessed and collected in accordance with State law. These procedures however were not received prior to the audit phone interview on April 21, 2020. During the audit phone interview, the Clerk

surcharge is properly assessed and collected. These procedures included officers maintaining a list of court cost, entering tickets into the Court Management System (CMS), and a daily and monthly reconciliation. The Clerk advised she would forward the written procedures to the auditor following the

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

### **B. Accounting for Victim Assistance Funds**

**Objective:** Did the Town of Haverhill Deposit \$47,775 to the CVAF



On April 16, 2020, the auditor received a call from the Town Clerk inquiring about the \$47,775 check. The auditor provided technical assistance and advised the clerk to contact SVAP. The

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

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**C. Contract Review**

**Objective(s)**

Did the contract properly account for Act 141 funds and executed a victim services contract in accordance with State law?

**Conclusion**

contract in accordance with State law?

Yes, the Town of Honea Path did properly account for Act 141 funds and executed a victim services contract in accordance with State law.

**Background**

Town of Honea Path Police Chief

Town of Honea Path Town Clerk

Follow up Review for the Town of Honea Path Municipal Court Victim Assistance Fines, Fees, and Assessments

**Discussion**

The Town of Honea Path no longer employs a Victim Advocate per Town Officials. As a result, the Town has entered into a contract with Anderson County.

- The Anderson County Sheriff's Office will provide the Town of Honea Path with monthly, quarterly, and

the Town of Honea Path.

As part of the pre requested audit documents, the auditor requested a sample of funds remitted to the county for the contract, bank account statements and State Treasurer Revenue

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

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**D. Technical Assistance****Documentation Provided**

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

1. Copy of Act 96 Part IV
2. Copy of the Legislative Proviso 59.15
3. Copy of the Legislative Proviso 97.9
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 Manuel
9. Copy of Approved Guidelines

**Other Matters**

There are no other matters

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## Corrective Action

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*Act 96 Part IV states:*

*"If the State Office of Victim Assistance finds an error, 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*

*within ninety days, the State Office of Victim Assistance shall*



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## **Appendix – A**

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**Follow up Audit Review for the Town of Honea Path Municipal Court Victim Assistance  
Fines, Fees, and Assessment Fund**

**TOWN OF HONEA PATH MUNICIPAL COURT  
HONEA PATH, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT**

**MAY 31, 2012**



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*State of South Carolina*



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

COLUMBIA, S.C. 29201

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

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

April 26, 2013

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

The Honorable Nikki R. Haley, Governor  
and  
The Honorable Donnie W. Cannon, Municipal Judge  
Ms. Beverly Crawford, Town Clerk/Treasurer  
Town of Honesdale

April 26, 2013

Our findings as a result of these procedures are presented in Adherence to Fine  
Practices and Control Systems in the Accountant's Comments section of this

report.

**2. Town Treasurer**

- We gained an understanding of the policies and procedures established by the

The Honorable Nikki R. Haley, Governor  
and  
The Honorable Donnie W. Cannon, Municipal Judge  
Ms. Beverly Crawford, Town Clerk/Treasurer  
Town of Honea Path  
April 26, 2013

We were not engaged to and did not conduct an audit. the objective of which would be

**ACCOUNTANT'S COMMENTS**

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

Management of the entity is responsible for establishing and maintaining internal

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

## ADHERENCE TO FINE GUIDELINES

We selected twenty-five cases from the final court dockets to ensure that the fine, fee, assessment, and/or surcharge levied by the Municipal Court was in accordance with the

the tests performed, we noted one instance where an individual was fined \$30 for a seatbelt violation. The \$30 fine levied by the Court exceeded the maximum fine allowed by State law.

Section 56-5-6540(A) of the 1976 South Carolina Code of Laws, as amended, states, "A person who is adjudicated to be in violation of the provisions of this article must be fined not more than twenty-five dollars, no part of which may be suspended."

The Municipal Clerk stated the error was due to oversight

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

**CONVICTION SURCHARGE**

During our test of Municipal Court collections and remittances, we noted six instances where the Court did not assess and collect the \$25 conviction surcharge as required by State law.

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 or reduced..."

to misdemeanor traffic offenses or parking violations.

The Municipal Clerk stated she was unaware of this provision.



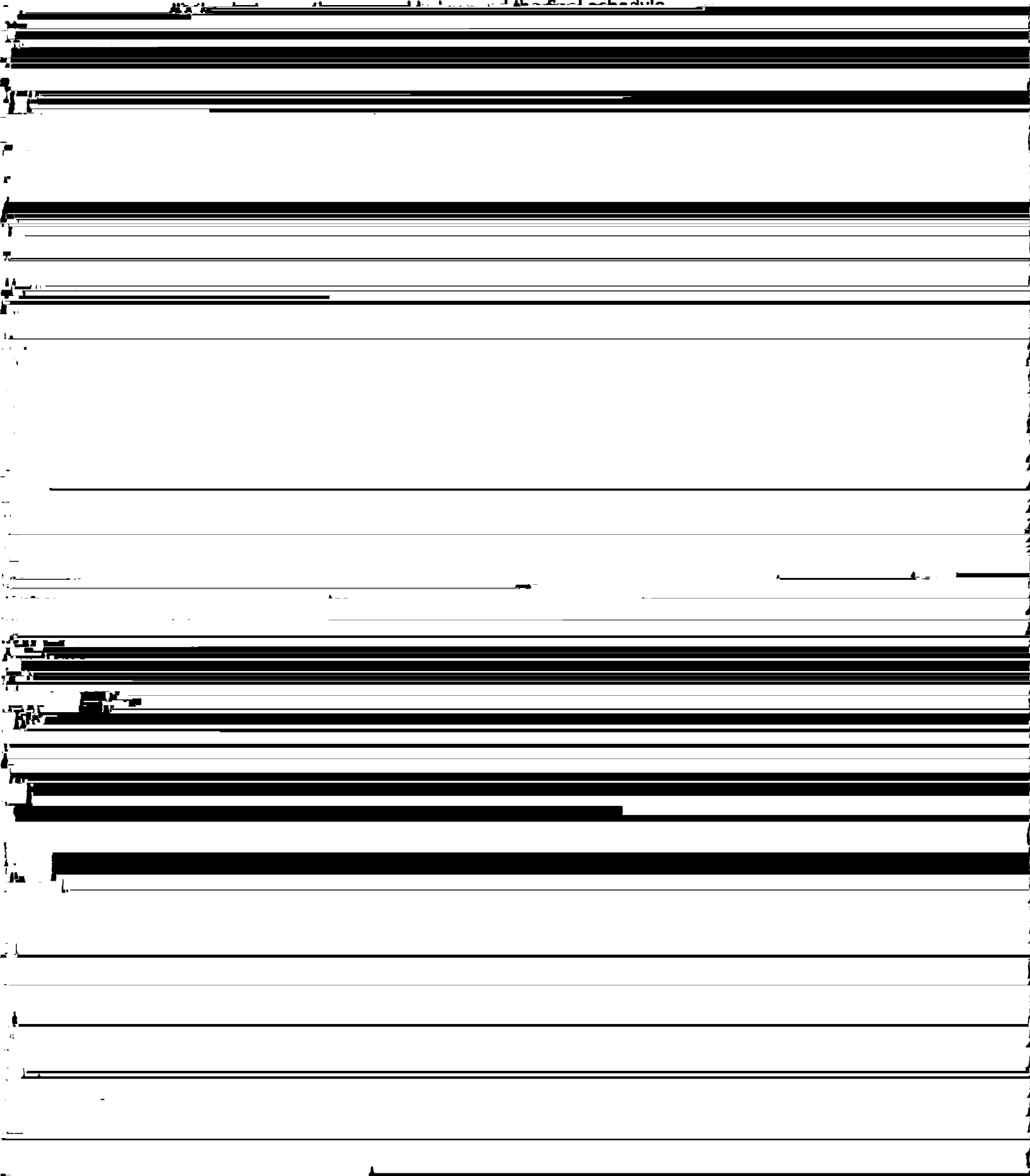
Section 14-1-211(B) of the 1976 South Carolina Code of Laws, as amended, states,

"The revenue collected pursuant to subsection (A)(4) shall be deposited in the \_\_\_\_\_

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

The Town Clerk/Treasurer stated the reporting errors were due to an oversight in the

the Town Clerk/Treasurer stated the reporting errors were due to an oversight in the



**TOWN'S RESPONSE**

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204 South Main Street  
Honea Path, South Carolina 29674

Phone : 864-369-2466  
Fax : 864-369-2325

August 19, 2013

Mayor  
Earl L. Meyers

Council Member

Ward 1  
J.P. "Sonny" Davis

Ward 2  
Mr. Richard H. Gilbert, Jr., CPA

Ward 3  
Brad Haynes  
Office of the State Auditor  
1401 Main Street, Suite 1200  
Columbia, SC 29201

Ward 4  
Jeff Taylor

Ward 5

Ward 6  
Ella Lark

Dear Mr. Gilbert:

Clerk-Treas

Beverly Crawford

Economic Dev.  
Rusty W. Bums

Town Attorney  
Jimmy R. King

Administrator  
William S. Hall

Please accept this letter as official indication that the Town of Honea Path has reviewed the preliminary draft copy of the report resulting from your performance of agreed-upon procedures to the accounting records of the Town of Honea Path for fiscal year ending May 31, 2012. The Town of Honea Path authorizes the release of the report, and does not have any additional responses or comments to offer at this time.

5 copies of this document were published at an estimated printing cost of \$1.43 each, and a total printing cost of \$7.15. Section 1-11-125 of the South Carolina Code of Laws, as

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## **Appendix(s)**

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### **Appendix B – The Town of Honea Path Independent Accountant's Report on Applying Agreed-Upon Procedures for the year ended May 31, 2016**

Town of ...

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**South Carolina**  
**Office of the State Auditor**

**George L. Kennedy, III, CPA**

**May 4, 2017**

**The Honorable Henry McMaster, Governor**  
**State of South Carolina**  
**Columbia, South Carolina**

**The Honorable Dennis C. Bannister, Jr., Chief Judge**



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# BROWN CPA, LLC

## Independent Accountant's Report on Applying Agreed-Upon Procedures

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

The Honorable Dennis C. Bannister, Jr., Chief Judge  
Town of Honea Path Municipal Court  
Honea Path, South Carolina

Ms. Beverly Crawford, Municipal Court Clerk  
Town of Honea Path Municipal Court  
Honea Path, South Carolina

**2. Municipal Treasurer**

• We gained an understanding of the financial management of the municipality.

The table structure is largely obscured by redaction. It appears to have multiple columns and rows, but the content is illegible. A small dark rectangular mark is visible in the lower-left quadrant of the table area.

We were not engaged to and did not conduct an examination or a review of the subject matter, the objective of which would be the assurance of information for the purpose of the financial statements.

Accountant's Comments

Management of Town of Honea Path 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 Town of Honea Path require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

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

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

*Comment* – The Town did not properly report within the financial statement audit the financial activity for the year for Victim Services Center.

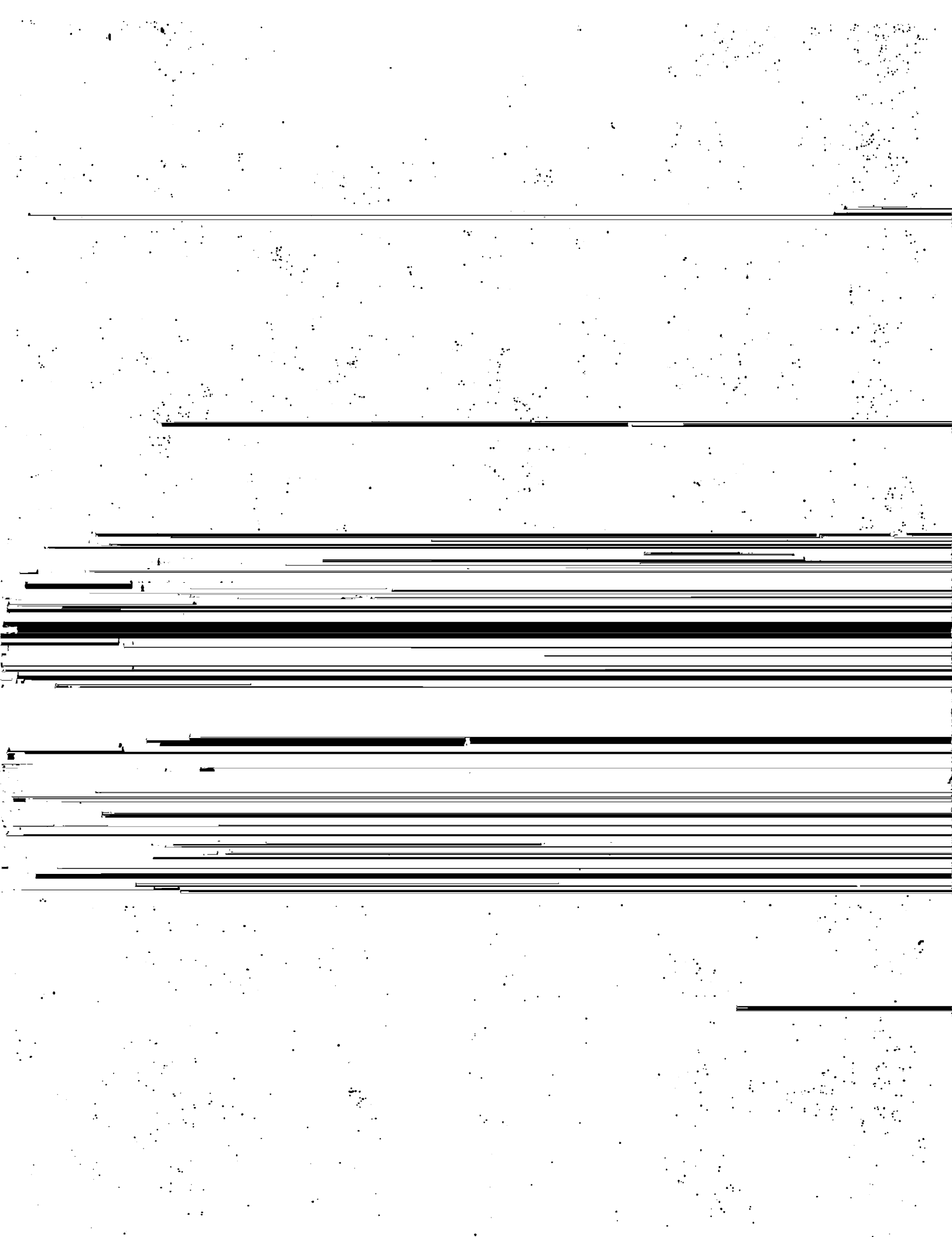
**Recommendation** – We recommend that the Team take greater care to accurately report the financial

activity of the Victim Services account.

**SECTION B - OTHER WEAKNESSES**

The conditions described in this section have been identified while performing the agreed-upon procedures but they are not considered violations of State Laws, Rules or Regulations.

**Comment** It was noted that on the Supplemental Schedule of Lines, Agreements, and Conditions



**Town of Honea Path  
204 South Main Street  
Honea Path, SC 29654  
864-369-2466**

May 15, 2017

Mr. Matt Brown, CPA  
Brown CPA, LLC  
P.O. Box 3288  
Irmo, SC 29063

Dear Mr. Brown:

The Town of Honea Path has reviewed the comments and recommendations provided herein related to the preparation of the municipal court Schedule of Fines, Assessments, and Surcharges included within our annual financial statement audit. We are in agreement with the comments and recommendations provided.

During our next financial statement audit we will place additional emphasis in accurately balancing and reporting the financial activity of the municipal court and the Victim Services ;



**Official Report Audit Response**

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**

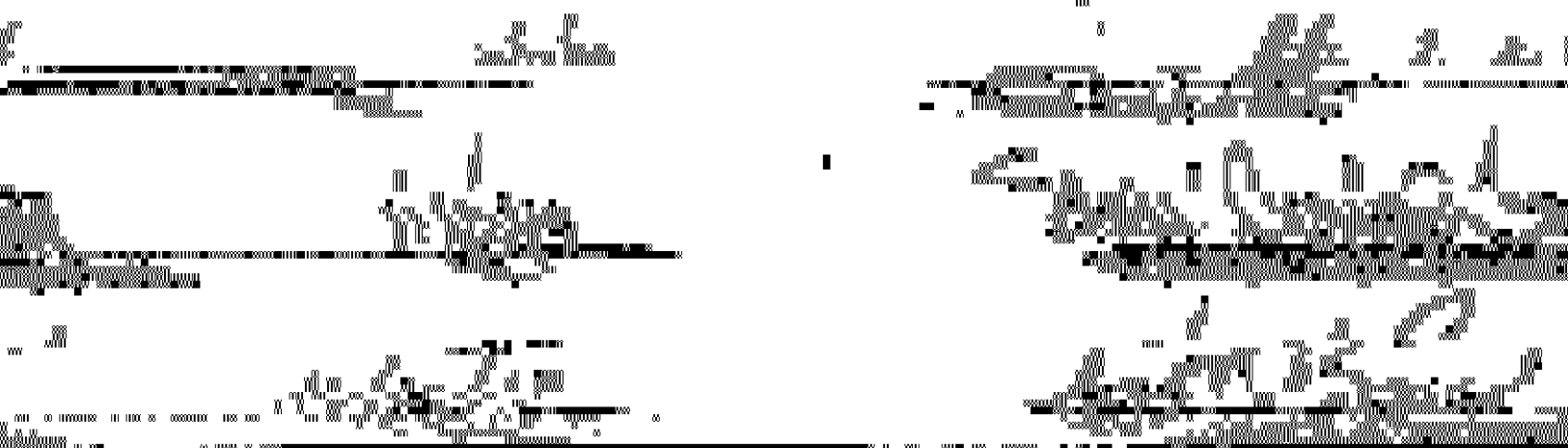
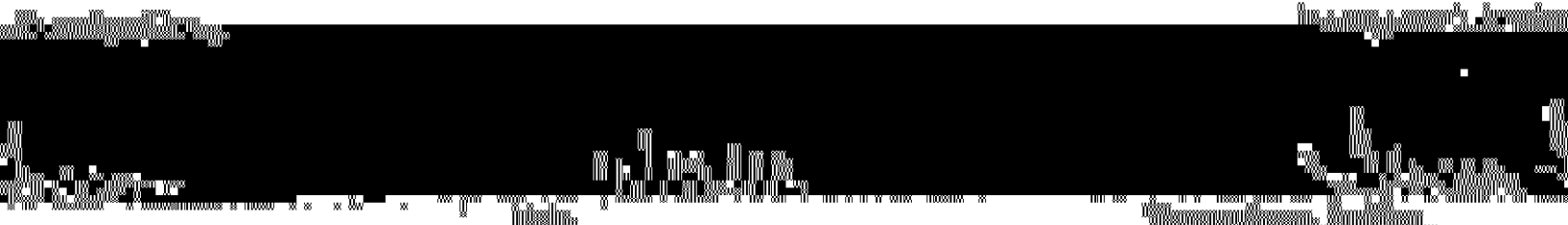
**At the end of the ten day response period, this report and all post-audit responses (located in the Appendix) will become public information on the Department of Crime Victim Compensation (DCVC) website:**

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

LABORATORY



U.S. CUSTOMS AND BORDER PROTECTION  
LABORATORY





ALAN WILSON  
ATTORNEY GENERAL

Programmatic Review Completed by:

<u>Teresa Green</u>	<u>2/23/2021</u>
Teresa Green, Auditor	Date

Reviewed by:

<u>Dexter L. Boyd</u>	<u>2/23/2021</u>
Dexter L. Boyd, Sr. Auditor	Date

<u>Ethel Douglas Ford</u>	<u>2/23/2021</u>
Ethel Douglas Ford, CPM, Asst. Deputy Director	Date

<u>D. Scott Beard</u>	<u>2/23/2021</u>
D. Scott Beard, Deputy Director	Date