The Office of the Attorney General
Department of Crime Victim Compensation

3/9/2020

Programmatic Review and Financial Audit of the Clemson University Municipal Court Victim Assistance Fines, Fees, and Assessment Fund

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Acronyms:

VAFFA – Victim Assistance Fines, Fees, and Assessment
DCVC – Department of Crime Victim Compensation
SCLEVA – South Carolina Law Enforcement Victim Advocate
CVST – Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis

Introduction and Laws

PREFACE

This programmatic review and financial audit was initiated in response to the Department of Crime Victim Compensation's (DCVC) concerns regarding the Victim Assistance Fines, Fees, and Assessment fund. On January 28, 2020, the Assistant Deputy Director of DCVC issued a letter to the Clemson University Police Department informing them of the Clemson University's Municipal Court Victim Assistance Fund audit. As a result of the initial DCVC audit, recommendations were complied with prior to this audit review. Therefore, the DCVC Auditor was not required to conduct a 90 Day Follow-up Audit Site Visit. However, the DCVC Auditor followed up with the Chief and the Account Fiscal Analyst to review the objectives and recommendations via a telephone interview. The telephone interview was conducted on February 6, 2020 with the Chief and the Account Fiscal Analyst. During the interview, the DCVC Auditor confirmed that all recommendations had been complied with and there were no further issues.

Governing Legislation 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.

Act 96 (cont.)

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), 141 207 (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.

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

Proviso 98.9 (cont.)

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 Title14 *[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.

- **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.

SC Code of Law
Title 14 (excerpts cont.)

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**: *(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,

SC Code of Law
Title14 (excerpts cont.)

- **Section 14-1-211 Subsection 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.

Introduction

AUDIT OBJECTIVES

The South Carolina State Legislative Act 96 (Part IV) mandates the 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 expended in accordance with the law.

Audit Objectives were

- To determine if Clemson University reimbursed the Victim Assistance Fund **$45,356.01** for unallowable expenditures. Also, did Clemson University remit **$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement was made to the Victim Assistance Fund for unallowable expenditures?

RESULTS IN BRIEF

Programmatic Review

Did Clemson University reimburse the Victim Assistance Funds **$45,356.01** for unallowable expenditures? Also, did Clemson University remit **$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement was made to the Victim Assistance Fund for unallowable expenditures?

Yes, Clemson University reimbursed the Victim Assistance Fund **$45,356.01** for the unallowable expenditure. Also, Clemson University remitted **$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement was made to the Victim Assistance Fund for unallowable expenditures.

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

A. Victim Assistance

Objective

Did Clemson University reimburse the Victim Assistance Funds **$45,356.01** for unallowable expenditures? Also, did Clemson University remit **$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement was made to the Victim Assistance Fund for unallowable expenditures?

Conclusion

Yes, Clemson University reimbursed the Victim Assistance Fund **$45,356.01** for unallowable expenditures. Also, Clemson University remitted **$34,579.41** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15 after reimbursement was made to the Victim Assistance Fund for unallowable expenditures.

Background

Proviso 59.15

Approved Guidelines for Expenditures of Monies Collected for Crime Victim Service in Municipalities and Counties

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

Discussion

During the Sate Follow-up Audit Site Visit on July 11, 2019 (See Appendix A), the DCVC Auditor recommended Clemson University reimburse the Victim Assistance Fund **$44,329.23** for unallowable salary paid to the Victim Advocate from FY14-FY19, and **$1,026.78** for unallowable expenditures according to the Approved Guidelines totaling **$45,356.01.** The DCVC Auditor also recommended that Clemson University due to failure to spend 90% of Victim Assistance Funds collected in a fiscal year remit **$34,593.76** to the State Victim Assistance Program (SVAP) as required per Proviso 59.15.

Clemson University Division of Student Affairs-Student Affairs Business Operations issued a response to the Sate Follow-up Audit Site Visit on 11/13/2019 stating, "The Clemson University Police Department acknowledges procedural errors involving past practices relating to DCVC expenditures. Furthermore, it agrees that

a total of **$45, 341.66** is to be paid back to the Clemson University's Victim Assistance Fund account and that **$34,579.41** of those funds are to be remitted to the State Victim Assistance Program as required by Proviso 59.15."

Clemson University was required to send the Department of Crime Victim Compensation (DCVC) the victim assistance ledger and journal entry as well as a copy of the check to SVAP as supporting documentation of the reimbursement into the Victim Assistance Fund and remittance to SVAP. The Account Fiscal Analyst submitted the victim assistance ledger on 11/14/2019. The balance in the account as of 11/14/2019 was **$59,907.82**. The Account Fiscal Analyst also provided DCVC a copy of the check that was submitted to SVAP on 11/25/2019 as required in the amount of **$34,579.41**.

The DCVC Auditor conducted a telephone interview with the Chief and the Account Fiscal Analyst on February 6, 2020 since all supporting documents had been received. During the telephone interview, the auditor advised the Chief and the Account Fiscal Analyst because all the recommendations were met and supporting documentation was received from the Sate Follow-up Audit Site Visit on July 11, 2019, DCVC would not be returning to conduct an Initial DCVC Audit Site Visit. The auditor also asked the Chief and the Account Fiscal Analyst if they had any concerns or questions; they both stated no. The DCVC auditor requested the current victim assistance ledger and journal entry to ensure Clemson University was continuing to use Victim Assistance revenue only for allowable expenditures as outlined by the Approved Guidelines. Upon review of all documents received, the DCVC Auditor determined that all expenditures were allowable. Therefore, Clemson University is compliant with the DCVC Auditor's recommendations to reimburse the Victim Assistant Fund as well as remit funds to SVAP.

Recommendation(s) and Comments

No Further Recommendations

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

B. Technical Assistance

Documentation Provided

During the audit process, technical assistance and support was provided and the following documents were online for review.

1. Legislation - Act 96 (Part IV)
2. Proviso 98.9
3. Proviso 59.15
4. Sample Budget
5. Sample Staff Hired Report
6. Sample Time and Activity Report
7. Sample Expenditure Report
8. Victim Advocate Procedural Manuel
9. 2019 Approved Guidelines

Other Matters

There are no other matters.

Corrective Action

Act 96 (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 Clemson University Municipal Court officials were informed at the conclusion of the telephone interview on February 6, 2020 that all findings had been reviewed with management, and that they were in compliance. Therefore, there are no further issues.

DCVC completed the telephone interview on February 6, 2020 and issued the final audit report to Clemson University on March 9, 2020.

Appendix(s)

Appendix A – State Follow-up Audit Review for the Clemson University Municipal Court Victim Assistance Fines, Fees and Assessment Fund issued October 24, 2019

Office of the Attorney General
Department of Crime Victim Compensation

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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Clemson University Municipal Court State Auditor's Report June 30, 2012

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Did Clemson University reimburse the Victim Assistance Fund $50.00 for the unallowable expenditure? Did Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures?

Clemson University Municipal Court State Auditor's Report June 30, 2018

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Did Clemson University implement procedures 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?

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Post-Audit Response and Appendix(s) 28-30

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

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.

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

Act 96 (cont.)

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 Title14 [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
Title14 (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.

Introduction and Legislative

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.

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.

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

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.

Background

South Carolina Code of laws Section 14-25-85

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 3rd 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.

Recommendation(s) and Comments

No Further Recommendations

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

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?

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.

Background

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

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 3rd 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.

Recommendation(s) and Comments

No Further Recommendations

C. Victim Witness Fines Fees and Assessment Fund Expenditure Reports

Clemson University Municipal Court State Auditor's Report June 30, 2012

Objective

Did Clemson University reimburse the Victim Assistance Fund **$50.00** for unallowable expenditures? Did Clemson University establish and implement policies and procedures to ensure victim assistance revenue is used only for allowable expenditures?

Conclusion

Yes, Clemson University reimbursed the Victim Assistance Fund **$50.00** for unallowable expenditures. Clemson University also established and implemented policies and procedures to ensure victim assistance revenue is used only for allowable expenditures.

Background

South Carolina Code of Laws 14-1-208
Act 96

Discussion

According to the State Auditor's report dated June 30, 2012, (See Appendix A) the State Auditor noted Clemson University charged **$50.00** 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 11th 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).

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

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 15th day of the month following the month being reported?

Conclusion

Yes, Clemson University implemented procedures 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?

Background

South Carolina code of laws 14-1-220

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.

Recommendation(s) and Comment

No Further Recommendations

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

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.

Corrective Action

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.

Official Post-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

ALAN WILSON
ATTORNEY GENERAL

Programmatic Review Completed by:

Mignon Lee-Thompson 10/23/19
Mignon Lee-Thompson, Lead Auditor **Date**

Reviewed by:

Dexter G. Boyd 10/23/19
Dexter Boyd, Sr. Auditor **Date**

Ethel Douglas Ford 10/23/19
Ethel Douglas Ford, CPM, Assistant Deputy Director **Date**

D. Scott Beard 10/23/2019
D. Scott Beard, Deputy Director **Date**

Official Post-Audit Response

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www.sova.sc.gov

ALAN WILSON
ATTORNEY GENERAL

This Programmatic Review and Financial Audit was completed by:

Mignon Lee-Thompson 3/10/2020
Mignon Lee-Thompson, Lead Auditor **Date**

Reviewed by:

Dexter L. Boyd 3/10/2020
Dexter Boyd, Sr. Auditor

Date

Ethel Douglas Ford 3/10/2020
Ethel Douglas Ford, CPM, Assistant Deputy Director **Date**

D. Scott Beard 3/10/2020
Scott Beard, DCVC Deputy Director **Date**