PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS

FINANCIAL STATEMENTS
WITH ADDITIONAL INFORMATION
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006
WITH
INDEPENDENT AUDITORS' REPORT

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

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MANAGEMENT DISCUSSION & ANALYSIS

This discussion and analysis of the Public Defender Corporation of the Sixth and Twenty-Fourth Judicial Circuits of the State of West Virginia financial performance provides an overview of the Corporation's financial activities for the fiscal years ended June 30, 2007 and 2006, and identifies changes in the Corporation's financial position.

Overview of Basic Financial Statements

These statements are in two parts - management's discussion and analysis (this section) and the basic financial statements. The Corporation's financial statements are prepared on the accrual basis of accounting and are reported in accordance with generally accepted accounting principles. These statements include the statement of financial position, the statement of activities, the statement of cash flows and notes to the financial statements.

The statement of financial position presents the Corporation's assets, liabilities and net assets as of the financial statements date. Through this presentation one can decipher the health of the Corporation by taking the difference between the assets and liabilities. An increase or decrease in the Corporation's net assets from one year to the next is an indicator of whether its financial health is improving or deteriorating.

The statement of activities reports revenues and expenses when earned or obligated. This means that all of the current year's revenues and expenses are included regardless of when cash is paid or received, thus providing a view of financial position that is similar to that presented by most private-sector companies. This statement summarizes the cost of providing legal defense services to those individuals charged with a violation of the law but who cannot afford an attorney to defend themselves or to represent indigent persons or juveniles and mental hygiene cases as appointed by the court.

Financial Analysis of the Corporation

Total assets of the Corporation on June 30, 2007 and 2006 were \$292,019 and \$241,065, while liabilities were \$49,994 and \$51,693 resulting in a net asset balance of \$242,025 and \$189,372. \$42,763 and \$57,056 of the Corporation's net assets are invested in capital assets. Unrestricted net assets were \$242,025 and \$189,372.

The Corporation's revenues are derived from funding from the West Virginia Public Defender Services and accordingly 99% of the Corporation's revenues were derived from this funding for the years ended June 30, 2007 and 2006. Total revenues were \$1,288,664 and \$1,181,099 whereas expenditures were \$1,236,011 and \$1,201,486. As a result of the excess of revenues over expenditures, the Corporation's total net assets increased by \$52,653, from \$189,372 to \$242,025 for the year ended June 30, 2007. For the year ended June 30, 2006, the deficit of revenues over expenditures caused the Corporation's total net assets to decrease by \$20,387, from \$209,759 to \$189,372.

The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$ -0- and \$13,653 for the years ended June 30, 2007 and 2006, respectively. The Corporation did not have any other special or extraordinary items.

Detailed Financial Analysis of the Corporation

Cash in the Corporation increased by \$64,413 due to an increase in funding. Compensated absences decreased by \$7,089 due to employees using more of their accrued annual leave benefits. All other assets and liabilities stayed within reason between the two periods.

An increase in funding from the West Virginia Public Defender Services of \$106,857 is attributable to an increase in expenses of the Corporation.

Operating expenses for the year increased by \$34,525. Salaries and employee benefits increased by \$38,052 as a result of increased staffing and pay raises during the year. All other expenditures remained within reason to the prior year.

Capital Asset and Debt Activity

As of June 30, 2007 and 2006, the Corporation had capital assets amounting to \$225,624 and \$225,624, respectively. The Corporation's capital assets include furniture and fixtures, leasehold improvements, and computer equipment. The assets are being depreciated over useful lives of three to seven years. The accumulated depreciation on the assets amounts to \$182,861 and \$168,568, respectively.

Purchases of fixed assets during the years ended June 30, 2007 and 2006 were \$ -0- and \$13,563, respectively.

The Corporation had no long or short-term debt.

Cash Management

The Corporation's funds are deposited into two checking accounts at a national banking institution. These accounts earn interest at an average rate of 1.75% and 1.75% for the respective years ended June 30, 2007 and 2006. Interest earned during 2007 and 2006 amounted to \$2,521 and \$3,518, respectively. Additionally, in 2007 and 2006 the Corporation had deposits exceeding \$100,000 which were not collateralized through a pledged securities agreement at the respective institution. Furthermore, the Corporation designated monies of \$95,000 in 2005 as a building fund. These monies earned interest of \$1,706 and \$1,657, respectively, during the years ended June 30, 2007 and 2006.

Economic Factors and Next Year's Budget

The State of West Virginia, Public Defender Services looked at various factors when approving the budget for the year ended June 30, 2008. Such factors considered include: the Corporation's case load in comparison to the number of professional and non-professional staff, the type, amount and rate of employee benefits, the anticipation of large or unusual cases which require additional resources, capital needs, as well as, the operating environment and its operational needs.

For the year ending June 30, 2008, the Corporation has an approved budget of \$1,400,172. This represents a budget increase of \$115,734 from the prior year. Significant changes to budgeted expenditures include a \$45,268 increase to the personal services and fringe benefits line items due to cost of living increases and a \$70,966 increase in the supportive services line items due to the addition of legal contracts expenses expected during the year ended June 30, 2008. All other budgeted line items are within a reasonable amount from the prior year.

Conclusion

This financial report is designed to provide the users with the general overview of the Corporation's finances and to demonstrate the Corporation's accountability for the money it receives.

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS BOARD OFFICIALS JUNE 30, 2007

<u>Office</u> <u>Name</u>

Board Chairman: John F. Cyrus, Esq.

Board Officials: David J. Lockwood, Esq.

Menis E. Ketchum, Esq.

David Lycan, Esq.

David Bunch

Managing Public Defender: Robert E. Wilkinson, Esq.

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CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 2608 Huntington, WV 25726 304-697-7083 FAX: 304-697-7087 WWW.TRAINERWRIGHT.COM

INDEPENDENT AUDITORS' REPORT

Honorable Members of the Board Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuits Huntington, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuits, (the Corporation) as of June 30, 2007 and 2006, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Corporation's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Corporation as of June 30, 2007 and 2006 and the changes in its net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued our report dated September 13, 2007 on our consideration of the Corporation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Management's Discussion and Analysis (MD&A) on pages 1 through 3 is not a required part of the basic financial statements but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

COMPANIES PRACTICE SECTION • WEST VIRGINIA AND OHIO SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

Trainer, Wight Faterno

Huntington, West Virginia September 13, 2007

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS STATEMENTS OF FINANCIAL POSITION JUNE 30, 2007 AND 2006

ASSETS

	<u>2007</u>	<u>2006</u>
CURRENT ASSETS		
Cash	\$ 244,407	\$ 179,994
Other current assets	4,849	4,015
TOTAL CURRENT ASSETS	249,256	184,009
PROPERTY AND EQUIPMENT		
Computer equipment	173,455	173,455
Furniture and fixtures	44,006	44,006
Leasehold improvements	8,163	8,163
	225,624	225,624
Less: accumulated depreciation	(182,861)	(168,568)
PROPERTY AND EQUIPMENT, NET	42,763	57,056
TOTAL ASSETS	\$ 292,019	\$ 241,065
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable	\$ 6,585	\$ 1,816
Accrued expenses	1,838	1,216
Compensated absences	41,571	48,661
TOTAL CURRENT LIABILITIES	49,994	51,693
NET ASSETS		
Unrestricted (See Note 9)	143,457	92,510
Unrestricted - Board designated	98,568	96,862
TOTAL NET ASSETS	242,025	189,372
TOTAL LIABILITIES AND NET ASSETS	\$ 292,019	\$ 241,065

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS STATEMENTS OF ACTIVITIES FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

	<u>2007</u>	
REVENUE AND SUPPORT		
West Virginia Public Defender		
Services Grant Revenue	\$ 1,284,438	\$ 1,177,581
Other income	4,226	3,518
TOTAL REVENUE AND SUPPORT	1,288,664	1,181,099
EXPENSES		
Personal services	777,911	761,248
Employee benefits	260,934	239,545
Supportive services	36,040	31,982
Administrative support	24,251	30,646
Office	112,227	111,791
Other	7,155	7,392
Acquisitions	3,201	1,992
Depreciation	14,292	16,890
TOTAL EXPENSES	1,236,011	1,201,486
CHANGE IN UNRESTRICTED NET ASSETS	52,653	(20,387)
NET ASSETS		
Unrestricted - Beginning of year	189,372	209,759
Unrestricted - End of year	\$ 242,025	\$ 189,372

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUITS STATEMENTS OF CASH FLOWS FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

	2007	2006
CASH FLOWS FROM OPERATING ACTIVITIES Cash received from grants Cash paid for expenses Interest received	\$ 1,284,438 (1,224,251) 4,226	\$ 1,177,581 (1,166,235) 3,518
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	64,413	14,864
CASH FLOWS FROM INVESTING ACTIVITIES Cash purchases of property and equipment	- 0 -	(13,653)
NET CASH (USED IN) INVESTING ACTIVITIES	- 0 -	(13,653)
NET INCREASE (DECREASE) IN CASH	64,413	1,211
Cash balance, Beginning of year	179,994	178,783
Cash balance, End of year	\$ 244,407	\$ 179,994
RECONCILIATION OF CHANGE IN UNRESTRICTED NET ASSETS TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:		
Change in net assets	\$ 52,653	\$ (20,387)
Adjustments: Depreciation (Increase) decrease in operating assets:	14,293	16,890
Other current assets Increase (decrease) in operating liabilities:	(835)	14,911
Accounts payable	4,769	(95)
Accrued expenses	622	(12,437)
Compensated absences	(7,089)	15,982
TOTAL ADJUSTMENTS	11,760	35,251
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	\$ 64,413	\$ 14,864

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuits (the Corporation) is a not-for-profit Corporation created under authority of Article 21, Chapter 29 of the West Virginia Code. The Corporation is a component unit of the State of West Virginia and is funded by the West Virginia Public Defender Services. The purpose of the Corporation is to provide high quality legal assistance to indigent persons, at no cost, who would be otherwise unable to afford adequate legal counsel.

Approximately 80% of the Corporation's revenues are utilized for program related purposes and 20% are for management and general purposes.

Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting and in accordance with generally accepted accounting principles whereby revenues are recognized when earned and expenses when incurred and accordingly, reflect all significant assets, receivables, payables and other liabilities.

Basis of Presentation

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board in its Statement of Financial Accounting Standards (SFAS) No. 117, Financial Statements of Not-For-Profit Organizations. Under SFAS No. 117, the Corporation is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted, temporarily restricted and permanently restricted. At June 30, 2007 and 2006 the Corporation did not have any permanently or temporarily restricted net assets.

Property and Equipment

Property and equipment with a cost in excess of \$1,000 is capitalized at cost. Depreciation is computed using the straight line method over the estimated useful lives of the respective assets, ranging from three to seven years. Depreciation expense for the years ended June 30, 2007 and 2006 was \$14,292 and \$16,890, respectively.

Cash and Cash Equivalents

For purposes of the statement of cash flows, the Corporation considers all unrestricted highly liquid investments with an initial maturity of three months or less to be cash equivalents. For the years ended June 30, 2007 and 2006 the Corporation did not have any cash equivalents.

Income Taxes

The Corporation is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Corporation is classified by the Internal Revenue Service as an other than a private foundation.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Unrestricted Net Assets

Unrestricted net assets are comprised of funds whose use is limited only to the extent that the Corporation's enabling legislation and by-laws limit the activities of the Corporation. Currently all of the Corporation's assets and activities are considered unrestricted.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Compensated Absences

Accrued Annual Leave

Estimated obligations arise for vacation leave at the current rate of employee pay. Employees vest in 15 days of earned but unused vacation leave which is paid at the time of separation from employment.

Sick Leave

The Corporation grants sick leave based on time worked. The Corporation does not accrue any liability for sick leave because no amount is paid at the time of separation of employment.

Reclassifications

Certain accounts in the prior year financial statements have been reclassified for comparative purposes to conform with the presentation in the current year financial statements.

NOTE 2 - DEFINED CONTRIBUTION RETIREMENT PLAN

The Corporation participates in the State of West Virginia Public Employee Retirement System (the Plan) which covers all eligible employees who agree to participate in the Plan. The Corporation is required to make contributions to the Plan equal to 10.5% of the participants' compensation. For the years ended June 30, 2007 and 2006, total Plan costs were \$81,365 and \$77,665, respectively.

Under the Plan guidelines, if an employee is hired by the Corporation and joins the Plan after they have been previously employed by another state agency, this employee has the ability to make a retroactive purchase of prior service time or "buy-back." Under the current contract with the Public Defender Services office of the State of West Virginia, the Corporation will only fund the employer portion of such buy-backs on a case by case scenario after consideration by the Public Defender Services. Public Defender Services expressly declines to purchase retroactive service credit. For the years ended June 30, 2007 and 2006, the Corporation did not authorize the employer portion of any buy-backs for Plan participants.

NOTE 3 - OPERATING LEASE

The Corporation leases office space at two locations at a rate of \$2,625 and \$750 per month. Both lease agreements are in effect on a year to year basis.

NOTE 4 - CONCENTRATIONS

The Corporation maintains its account balances in two accounts at a local financial institution. These accounts are insured by the Federal Deposit Insurance Corporation in total up to \$100,000. The Corporation had unreconciled bank balances at June 30, 2007 and 2006 of \$272,620 and \$221,450, respectively. The difference between the unreconciled balance and the reconciled balance is outstanding checks. Therefore, \$172,620 and \$121,450 was considered uninsured at the respective year ends. However, management believes the financial institution is financially sound and there is little credit risk associated with the deposits.

The Corporation receives approximately all of its funding from West Virginia Public Defender Services. A significant reduction in this level of support would have a significant adverse effect on the Corporation.

NOTE 5 - CONTINGENCY

The Corporation is on a reimbursement plan with the State of West Virginia, Bureau of Employment Programs, Unemployment Compensation Division, whereby they no longer pay quarterly premiums. When a liability arises regarding the payment of unemployment, the Corporation will be assessed 100% of the awarded claim filed and payment to the Bureau would be made at that time. Any liability arising from the dismissal of employment is uncertain at this time.

NOTE 6 - CONTINGENT LIABILITIES

The Corporation's programs are funded from state sources, principal of which are programs of State of West Virginia Public Defender Services. State grants received for specific purposes are subject to audit and review by grantor agencies. Such audits and reviews could result in requests for reimbursements to grantor agencies for expenditures disallowed under the terms of the grants. The amount, if any, of expenditures which may be disallowed by grantor agencies cannot be determined at this time, although management believes such amounts, if any, to be immaterial.

NOTE 7 - RISK MANAGEMENT

The Corporation is exposed to various risks of loss related to torts, theft of, damage to, or destruction of assets; errors and omissions; injuries to employees; employees' health and life; and natural disasters. The Corporation manages these risks of loss through the purchase of various insurance policies.

NOTE 8 - BOARD DESIGNATED - NET ASSETS

In December 2004, the Board of Directors approved the creation of a building fund for the future building of a facility in the Wayne County, West Virginia area, to service the 24th Judicial Circuit. The Board approved a \$95,000 transfer of operating funds to this separate account with the restriction that no monies could be moved from this account without the approval of the Board. As of June 30, 2007 and 2006, the balance of this fund was \$98,567 and \$96,862, respectively.

NOTE 9 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$244,407 consisting of unexpended 2006/2007 Public Defender Corporation grant funds. Public Defender Services considered this amount in determining the appropriate level of disbursements in the succeeding fiscal year necessary to fund the Corporation's normal operating activities.

P.O. Box 2608 Huntington, WV 25726 304-697-7083

FAX: 304-697-7087 WWW.TRAINERWRIGHT.COM

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Honorable Members of the Board Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuits Huntington, West Virginia

We have audited the financial statements of the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuit (a non-profit Corporation), as of and for the year ended June 30, 2007, and have issued our report thereon dated September 13, 2007. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuit's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuit's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted other matters involving the internal control over financial reporting, which we have reported to management of the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuits in a separate letter dated October 1, 2007.

This report is intended solely for the information and use of the Board, management, and grantor or regulatory agencies and is not intended to be and should not be used by anyone other than these specified parties.

Frainer, Wight Fateurs

Huntington, West Virginia September 13, 2007



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P.O. Box 2608 Huntington, WV 25726 304-697-7083 FAX: 304-697-7087 WWW.TRAINERWRIGHT.COM

INDEPENDENT AUDITORS' REPORT ON ADDITIONAL INFORMATION

Honorable Members of the Board Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuit Huntington, West Virginia

Our report on our audit of the basic financial statements of the Public Defender Corporation for the Sixth/Twenty-Fourth Judicial Circuit for the years ended June 30, 2007 and 2006 appears on page 5. That audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The schedule of functional expenses is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Frainer, Wight Faterno

Huntington, West Virginia September 13, 2007

PUBLIC DEFENDER CORPORATION FOR THE SIXTH/TWENTY-FOURTH JUDICIAL CIRCUIT BUDGET TO ACTUAL - EXPENSES - CASH BASIS FOR THE YEAR ENDED JUNE 30, 2007

	Budget Actual		(Over)/Under Budget to Actual			
Personal services	\$	799,436	\$	785,001	\$	14,435
Employee benefits		273,703		256,377		17,326
Support services		46,034		36,040		9,994
Administrative services		32,400		24,251		8,149
Office		119,915		112,227		7,688
Other		9,950		7,155		2,795
Acquisitions		3,000		3,201		(201)
TOTAL	\$	1,284,438	\$	1,224,252	\$	60,186