# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT

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

# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT 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 Seventh Judicial Circuit 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 \$179,287 and \$118,770, while liabilities were \$10,083 and \$6,196 resulting in a net asset balance of \$169,204 and \$112,574. \$14,334 and \$17,160 of the Corporation's net assets are invested in capital assets. Unrestricted net assets were \$169,204 and \$112,574.

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 \$554,269 and \$382,578 whereas, expenditures were \$497,639 and \$481,574, respectively. As a result of the excess of revenues over expenditures, the Corporation's total net assets increased by \$56,630 from \$112,574 to \$169,204 for the year ended June 30, 2007. In 2006 the excess of expenses over revenue resulted in the Corporation's total net assets decreasing by \$98,996, from \$211,570 to \$112,574.

The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$2,099 and \$-0- for 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 \$63,343, due to an increase in funding. All other assets and liabilities stayed within reason between the two periods.

An increase in funding from the West Virginia Public Defender Services of \$170,687 is attributable to the deficit of revenue of expenditures the circuit had in the previous year.

Operating expenses for the year increased by \$16,065. This increase is mainly attributable to full staffing in the Corporation during the fiscal year. All other expenses remained within a reasonable amount from the prior year.

#### **Capital Asset and Debt Activity**

As of June 30, 2007 and 2006, the Corporation had capital assets amounting to \$109,967 and \$107,867, respectively. The Corporation's capital assets include furniture and fixtures, computer equipment and leasehold improvements. The assets are being depreciated using the straight-line method over useful lives of six to ten years. The accumulated depreciation on the assets amounted to \$95,633 and \$90,707, respectively. There were no asset disposals during 2007 or 2006.

The Corporation purchased fixed assets of \$2,099 and \$-0- in 2007 and 2006, respectively.

The Corporation had no short or long-term debt.

## **Cash Management**

The Corporation's funds are deposited into one checking account and one savings account at a national banking institution and one savings account at a local bank. The checking and savings accounts earn interest at a rate of .45%, .50%, and .50%, respectively. Interest earned on all three deposit accounts during 2007 and 2006 amounted to \$590 and \$541, respectively.

#### **Economic Factors and Next Year's Budget**

The State of West Virginia, Public Defender Services looked at various factors when approving the budget for 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 \$571,679. This represents a budget increase of \$18,955 from the prior year. Significant changes to budgeted expenditures include an increase of \$11,746 in personal services and \$6,900 in the supportive services expense categories. All other budgeted 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 SEVENTH JUDICIAL CIRCUIT BOARD OFFICIALS JUNE 30, 2007

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

Board Chairman: Donald Wandling, Esq.

Board Officials: James Hagood

Henry M. Hills, III, Esq.

Mark Hobbs, Esq.

JoAnn Farmer

Managing Public Defender: Dwayne Adkins, Esq.

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#### INDEPENDENT AUDITORS' REPORT

Honorable Members of the Board Public Defender Corporation for the Seventh Judicial Circuit Logan, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Seventh Judicial Circuit, (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 7, 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.

Trainer, Winght Faterno

Huntington, West Virginia September 7, 2007

# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT STATEMENTS OF FINANCIAL POSITION JUNE 30, 2007 AND 2006

# **ASSETS**

	2007	2006
CURRENT ASSETS		
Cash	\$ 164,919	\$ 101,576
Other assets	34	34
TOTAL CURRENT ASSETS	164,953	101,610
PROPERTY AND EQUIPMENT		
Furniture and fixtures	37,669	37,669
Leasehold improvements	30,088	30,088
Computer equipment	42,210	40,110
	109,967	107,867
Less: Accumulated depreciation	(95,633)	(90,707)
PROPERTY AND EQUIPMENT, NET	14,334	17,160
TOTAL ASSETS	\$ 179,287	\$ 118,770
LIABILITIES AND NET ASS	SETS	
CURRENT LIABILITIES		
Accounts payable	\$ -0-	\$ 2,032
Accrued payroll taxes	5,919	- 0 -
Compensated absences	4,164	4,164
TOTAL CURRENT LIABILITIES	10,083	6,196
NET ASSETS		
Unrestricted (See Note 8)	169,204	112,574
TOTAL LIABILITIES AND NET ASSETS	\$ 179,287	\$ 118,770

# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT STATEMENTS OF ACTIVITIES FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

	<u>2007</u>	<u>2006</u>
REVENUE AND SUPPORT		
West Virginia Public Defender		
Services Grant Revenue	\$ 552,724	\$ 382,037
Interest income	590	541
Other income	955	- 0 -
TOTAL REVENUE AND SUPPORT	554,269	382,578
EXPENSES		
Personal services	303,536	288,944
Employee benefits	119,958	112,960
Support services	12,496	15,851
Administrative support	3,102	1,799
Office	41,764	44,419
Other	9,582	6,154
Acquisition	2,276	3,243
Depreciation	4,925	8,204
TOTAL EXPENSES	497,639	481,574
CHANGE IN UNRESTRICTED NET ASSETS	56,630	(98,996)
NET ASSETS		
Unrestricted - Beginning of year	112,574	211,570
Unrestricted - End of year	\$ 169,204	\$ 112,574

# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT STATEMENTS OF CASH FLOWS FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

	<u>2007</u>	<u>2006</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 552,724	\$ 382,037
Cash paid for expenses	(488,827)	(470,383)
Other income received	955	- 0 -
Interest received	590	541
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	65,442	(87,805)
		(67,002)
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash purchases of property and equipment	(2,099)	- 0 -
NET CASH (USED IN)		
INVESTING ACTIVITIES	(2,099)	- 0 -
III V ZBIIII G II G II V II II B	(2,000)	
NET INCREASE (DECREASE) IN CASH	63,343	(87,805)
Cash balance - Beginning of year	101,576	189,381
Cubit Summer Degramme of Jens		
Cash balance - End of year	\$ 164,919	\$ 101,576
RECONCILIATION OF CHANGE IN UNRESTRICTED	•	
NET ASSETS TO NET CASH PROVIDED BY		
(USED IN) OPERATING ACTIVITIES:		
(CDDD III) OIDINIII (CIICII) IIID		
Change in net assets	\$ 56,630	\$ (98,996)
Adjustments:		
Depreciation	4,925	8,204
Decrease (increase) in operating assets:		
Other assets	- 0 -	272
(Decrease) increase in operating liabilities:		
Accounts payable	(2,032)	1,180
Accrued payroll taxes	5,919	1,535
TOTAL ADJUSTMENTS	8,812	11,191
NET CASH PROVIDED BY (USED IN)		
TIEST CHICKLES TO THE COURSE IN (		

# NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

# **Nature of Operations**

The Public Defender Corporation for the Seventh Judicial Circuit (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 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 85% of the Corporations revenues are utilized for program related purposes and 15% 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 and permanently restricted. At June 30, 2007 and 2006 the Corporation did not have any temporarily or permanently restricted net assets.

## **Property and Equipment**

Property and equipment are capitalized at cost. The Corporation has a capitalization policy threshold of \$1,000. Depreciation is computed using the straight-line basis over the estimated useful lives of the respective assets, ranging from six to ten years. Depreciation expense for the years ended June 30, 2007 and 2006 was \$4,925 and \$8,204 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.

#### **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 bylaws 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 a maximum of five (5) days of 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 to 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 \$31,272 and \$29,664, 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 has entered into a five year lease for its office space beginning December 1, 2005 and ending December 1, 2010. The lease amount is \$1,650 per month. Total future minimum lease payments are as follows:

Year ending June 30	Amount
2008	\$ 19,800
2009	19,800
2010	19,800
2011	8,250
2012	-0-
Total future minimum lease	
payments	\$ <u>67,650</u>

#### **NOTE 4 - CONCENTRATIONS**

The Corporation maintains its account balances in three accounts at two financial institutions. The accounts at each institution are insured by the Federal Deposit Insurance Corporation up to \$100,000. The Corporation had unreconciled bank balances at June 30, 2007 and 2006 of \$187,274 and \$104,576, respectively at one institution and \$3,794 and \$3,893, respectively at another institution. The difference between the unreconciled balance and the reconciled balance is due to outstanding checks. Additionally, the Corporation has secured a pledged security from one of the financial institutions. At June 30, 2007 the par value of the security was \$97,000 and it had a market value of \$123,122 to secure the excess 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 the 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 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$164,919 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.

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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 Seventh Judicial Circuit Logan, West Virginia

We have audited the financial statements of the Public Defender Corporation for the Seventh Judicial Circuit (a non-profit Corporation), as of and for the year ended June 30, 2007, and have issued our report thereon dated September 7, 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 Seventh 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 Seventh 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 Seventh Judicial Circuit 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.

Trainer, Wight Faterno

Huntington, West Virginia September 7, 2007



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# INDEPENDENT AUDITORS' REPORT ON ADDITIONAL INFORMATION

Honorable Members of the Board Public Defender Corporation for the Seventh Judicial Circuit Logan, West Virginia

Our report on our audit of the basic financial statements of the Public Defender Corporation for the Seventh 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 budget to actual - expenses - cash basis 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.

Trainer, Winght Faterno

Huntington, West Virginia September 7, 2007

# PUBLIC DEFENDER CORPORATION FOR THE SEVENTH JUDICIAL CIRCUIT BUDGET TO ACTUAL - EXPENSES - CASH BASIS FOR THE YEAR ENDED JUNE 30, 2007

	Budget		<u>Actual</u>		(Over)/Under Budget to <u>Actual</u>	
Personal services	\$	337,167	\$	303,536	\$	33,631
<b>Employee benefits</b>		129,874		114,039		15,835
Support services		17,720		12,496		5,224
Administrative services		5,480		4,325		1,155
Office		45,683		42,436		3,247
Other		9,700		9,719		(19)
Acquisitions	-	7,100		2,276		4,824
TOTAL	\$	552,724	\$	488,827	\$	63,897