PUBLIC DEFENDER CORPORATION FOR THE FIFTEENTH 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 FIFTEENTH 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 Fifteenth 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 \$221,209 and \$170,032, while liabilities were \$44,393 and \$50,253 resulting in a net asset balance of \$176,816 and \$119,779. \$3,309 and \$3,237 of the Corporation's net assets are invested in capital assets. The Corporation had no outstanding debt. Unrestricted net assets were \$176,816 and \$119,779.

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 \$1,020,591 and \$912,280 while the expenses of the Corporation were \$963,554 and \$941,849. As a result of the increase of revenues over expenditures for the year ended June 30, 2007, the Corporation's total net assets increased by \$57,037, from \$119,779 to \$176,816. For the year ended June 30, 2006, the excess of expenditures over revenues caused the Corporation's total net assets to decrease by \$29,569, from \$149,348 to \$119,779.

The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$2,145 and \$1,936 during the years ended June 30, 2007 and 2006, respectively. The Corporation did not have any special or extraordinary items.

Detailed Financial Analysis of the Corporation

Cash in the Corporation increased by \$51,105 as a result of normal operating activities during the year ended June 30, 2007. All other assets and liabilities stayed within reason between the two periods.

An increase in funding from West Virginia Public Defender Services of \$110,432 is attributable to excess expenditures during the previous year. For the years ended June 30, 2007 and 2006, the Corporation received \$3,300 and \$5,600, respectively, as a grant from West Virginia University to fund an intern position.

Operating expenses for 2007 increased by \$21,705. This increase is attributable to personal services and employee benefits increasing by \$14,479 due to full staffing and salary increases. All other expenses were 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 \$101,711 and \$99,566, respectively. The Corporation's capital assets include furniture and fixtures and computer equipment. The assets are being depreciated over useful lives of five to ten years. The accumulated depreciation on the assets amounted to \$98,402 and \$96,329, respectively.

Purchases of fixed assets for the years ended June 30, 2007 and 2006 totaled \$2,145 and \$1,936, respectively.

The Corporation has no short or long-term debt.

Cash Management

The Corporation's funds are deposited into a checking account at a national banking institution which earns interest monthly. This account earned interest at an average rate of .61% and .58% for the years ended June 30, 2007 and 2006, respectively. Interest earned during 2007 and 2006 amounted to \$881 and \$703, 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 \$1,053,806. This represents a budget increase of \$37,396 from the prior year due to an increase in personal services and employee benefits of \$28,186 as well as an increase in other expenses of \$6,750. All other budgeted expenditures increased within reason 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 FIFTEENTH JUDICIAL CIRCUIT BOARD OFFICIALS JUNE 30, 2007

Office Name

Board Chairman: George F. Fordham Jr., Esq.

Board Officials: Jack P. Keeley, III

Norman T. Farley, Esq.

Dianne Young

Gregory H. Schillace, Esq.

Managing Public Defender: Nancy C. Ulrich, Esq.

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INDEPENDENT AUDITORS' REPORT

Honorable Members of the Board Public Defender Corporation for the Fifteenth Judicial Circuit Clarksburg, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Fifteenth 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 5, 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 read in consideration with this report 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.

Huntington, West Virginia September 5, 2007 Trainer, Winght Faterno

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

ASSETS

		2007	2006
CURRENT ASSETS			
Cash	\$	217,900	 166,795
TOTAL CURRENT ASSETS		217,900	 166,795
PROPERTY AND EQUIPMENT			
Furniture and fixtures		64,245	64,245
Computer equipment		37,466	35,321
• • •		101,711	 99,566
Less accumulated depreciation:		(98,402)	(96,329)
•			
PROPERTY AND EQUIPMENT, NET		3,309	 3,237
TOTAL ASSETS	\$	221,209	\$ 170,032
LIABILITIES AND NET AS	SET:	S	
CURRENT LIABILITIES			
Accrued payroll	\$	13,526	\$ 12,618
Compensated absences		30,867	 37,635
TOTAL CURRENT LIABILITIES		44,393	50,253
NET ASSETS			
Unrestricted (See Note 8)		176,816	 119,779
TOTAL LIABILITIES AND NET ASSETS	_\$_	221,209	\$ 170,032

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

	2007	<u>2006</u>
REVENUE AND SUPPORT		
West Virginia Public Defender		
Services Grant Revenue	\$ 1,016,409	\$ 905,977
WVU Law Grant	3,300	5,600
Interest income	882	703
TOTAL REVENUE AND SUPPORT	1,020,591	912,280
EXPENSES		
Personal services	612,480	609,930
Employee benefits	207,592	195,663
Supportive services	8,316	9,371
Administrative support	16,629	12,035
Office	86,661	93,424
Other	23,908	12,474
Acquisitions	5,895	4,870
Depreciation	2,073	2,747
Loss on disposal of assets	- 0 -	1,335
TOTAL EXPENSES	963,554	941,849
CHANGE IN UNRESTRICTED NET ASSETS	57,037	(29,569)
NET ASSETS		
Unrestricted - Beginning of year	119,779	149,348
Unrestricted - End of year	\$ 176,816	\$ 119,779

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

	2007	<u>2006</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 1,019,709	\$ 911,577
Cash paid for expenses	(967,341)	(939,818)
Interest received	882	703
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	53,250	(27,538)
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash purchases of property and equipment	(2,145)	(1,936)
NET CASH (USED IN)		
INVESTING ACTIVITIES	(2,145)	(1,936)
NET INCREASE (DECREASE) IN CASH	51,105	(29,474)
Cash balance, Beginning of year	166,795	196,269
Cash balance, End of year	\$ 217,900	\$ 166,795
RECONCILIATION OF CHANGE IN UNRESTRICTED		
NET ASSETS TO NET CASH PROVIDED BY		
(USED IN) OPERATING ACTIVITIES:		
Change in net assets	\$ 57,037	\$ (29,569)
Adjustments:		
Depreciation	2,073	2,747
Loss on disposal of assets	- 0 -	1,335
Decrease (increase) in operating assets	_	
Other current assets	- 0 -	578
Increase (decrease) in operating liabilities:	•	(0.040)
Accrued expenses	- 0 -	(8,042)
Accrued payroll	908	5,413
Compensated absences	(6,768)	0 -
TOTAL ADJUSTMENTS	(3,787)	2,031
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	\$ 53,250	\$ (27,538)

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The Public Defender Corporation for the Fifteenth 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 funds 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 restricted, 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 with a cost greater than \$1,000 is capitalized. Depreciation is computed using an accelerated basis over the estimated useful lives of the respective assets, ranging from five to seven years. Depreciation expense for the years ended June 30, 2007 and 2006 totaled \$2,073 and \$2,747, 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. The Corporation had no cash equivalents at June 30, 2007 and 2006.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

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.

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 20 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 \$64,234 and \$62,580, respectively.

NOTE 2 – DEFINED CONTRIBUTION RETIREMENT PLAN (CONTINUED)

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 a rate of \$3,875 per month effective September 1, 2006, with a 3% annual increase for each year on the anniversary date of the agreement. The agreement would become void if funding from West Virginia Public Defender Services would cease. This lease agreement is in effect until August 31, 2011.

As of July 1, 2004, the Corporation entered into a 42 month non-cancelable operating lease for its postal machine at a rate of \$73 monthly.

As of January 2006, the Corporation entered into a 36 month operating lease for a copier at a rate of \$249 per month, including the service agreement. This lease may be canceled if funding from Public Defender Services is not available.

Total future minimum lease payments are as follows:

Year ending June 30	<u> 4</u>	Amount
2008	\$	49,926
2009		47,994
2010		46,500
2011		46,500
2012		7,750
Total future minimum		
lease payments	\$	<u>198,670</u>

NOTE 4 - CONCENTRATIONS

The Corporation maintains its account balances in an account at a local financial institution. This account is 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 \$244,534 and \$181,013, respectively. The difference between unreconciled and reconciled cash is due outstanding checks. However, the bank has pledged a U.S. Treasury Bond with a current par value of \$231,000 and a market value of \$293,208 at June 30, 2007, to cover the excess deposits. Therefore, this account was fully secured as of June 30, 2007 and 2006.

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 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 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$217,900 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 Fifteenth Judicial Circuit Clarksburg, West Virginia

We have audited the financial statements of the Public Defender Corporation for the Fifteenth Judicial Circuit (a non-profit Corporation), as of and for the year ended June 30, 2007, and have issued our report thereon dated September 5, 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 Fifteenth 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 Fifteenth 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 Fifteenth 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.

Frainer, Winght Fateurs

Huntington, West Virginia

September 5, 2007



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INDEPENDENT AUDITORS' REPORT ON ADDITIONAL INFORMATION

Honorable Members of the Board Public Defender Corporation for the Fifteenth Judicial Circuit Clarksburg, West Virginia

Our report on our audit of the basic financial statements of the Public Defender Corporation for the Fifteenth 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, Wight Faterno

Huntington, West Virginia September 5, 2007

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

	Budget	Actual	Under/(Over) Budget to Actual
Personal services	\$ 642,329	\$ 618,340	\$ 23,989
Employee benefits	219,036	207,592	11,444
Support services	11,870	8,316	3,554
Administrative services	18,175	16,629	1,546
Office	98,460	86,661	11,799
Other	18,400	23,908	(5,508)
Acquisitions	8,140	5,895	2,245
TOTAL	\$ 1,016,410	\$ 967,341	\$ 49,069