# PUBLIC DEFENDER CORPORATION FOR THE TWENTY-FIFTH 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 TWENTY-FIFTH 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 Twenty-Fifth 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 \$98,539 and \$80,470, while liabilities were \$34,418 and \$39,305 resulting in a net asset balance of \$64,121 and \$41,165. Unrestricted net assets were \$64,121 and \$41,165.

The Corporation's revenues are derived from funding from 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 \$552,478 and \$531,850 whereas expenditures were \$529,522 and \$522,969. As a result of the excess of revenues over expenditures the Corporation's total net assets increased by \$22,956, from \$41,165 to \$64,121 for the year ended June 30, 2007. For the year ended June 30, 2006, the excess of revenues over expenditures caused the Corporation's total net assets to increase by \$8,881, from \$32,284 to \$41,165.

The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$11,450 and \$30,698 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 \$9,395 due to normal operations. All other assets and liabilities stayed within reason between the two periods.

An increase in funding from the West Virginia Public Defender Services of \$20,573 is attributable to increases in personal services and acquisitions expense line items.

Operating expenses for the fiscal year increased by \$6,553. This increase is attributable to normal budget increases related to line item expenses. All expenditures remained within reason to the prior fiscal year.

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

As of June 30, 2007 and 2006, the Corporation had capital assets amounting to \$42,148 and \$30,698, respectively. The Corporation's capital assets were comprised of a building, its related improvements and equipment. The assets were being depreciated over useful lives of fifteen to twenty years. The accumulated depreciation on the assets amounted to \$3,280 and \$1,504, respectively.

Purchases of fixed assets for the years ended June 30, 2007 and 2006 totaled \$11,450 and \$30,698, respectively.

The Corporation acquired long-term debt for the purchase of the office building located in Hamlin, West Virginia. The principle amount borrowed was \$20,000 and interest in the amount of \$923 and \$1,139 was paid for the years ended June 30, 2007 and 2006, respectively.

#### **Cash Management**

The Corporation's funds are deposited into a checking account at a local banking institution. This account earns interest at a rate of .20% and .10% for the years ended June 30, 2007 and 2006, respectively. Interest earned on the account for the years ended June 30, 2007 and 2006 amounted to \$174 and \$119, respectively.

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

The State of West Virginia, Pubic Defender Services looked at various factors when approving the budget for the year ending June 30, 2008. Such factors considered include: the Corporation's case load in comparison to the number of professional and nonprofessional 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 operation needs.

For the year ending June 30, 2008, the Corporation has an approved budget of \$590,749. This represents a budget increase of \$38,445 from the prior year due to increases in the personal services and employee benefits expense line items. All other budgeted line items are within a reasonable amount to 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 TWENTY-FIFTH JUDICIAL CIRCUIT BOARD OFFICIALS JUNE 30, 2007

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**Office** 

<u>Name</u>

**Board Chairman:** 

Fred Riggleman

**Board Officials:** 

G. Richard Davis

Judy Johnson

Managing Public Defender:

Robert L. White, Esq.

# **TRAINER, WRIGHT & PATERNO**

CERTIFIED PUBLIC ACCOUNTANTS

### INDEPENDENT AUDITORS' REPORT

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

218 13TH STREET

Honorable Members of the Board Public Defender Corporation for the Twenty-Fifth Judicial Circuit Madison, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Twenty-Fifth 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 August 22, 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 "Paterno

Huntington, West Virginia August 22, 2007

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

# ASSETS

	<u>2007</u>	2006
CURRENT ASSETS		
Cash	\$ 59,295	\$ 49,900
Other assets	376	1,376
TOTAL CURRENT ASSETS	59,671	51,276
PROPERTY AND EQUIPMENT		
Building	25,736	25,736
Building improvements	11,912	4,962
Furniture and fixtures	4,500	- 0 -
	42,148	30,698
Less: Accumulated depreciation	(3,280)	(1,504)
PROPERTY AND EQUIPMENT, NET	38,868	29,194
TOTAL ASSETS	\$ 98,539	\$ 80,470
LIABILITIES AND NET ASSET	S	
CURRENT LIABILITIES		
Current portion of long-term debt	\$ 5,123	\$ 3,598
Accrued expenses	366	360
Compensated absences	22,656	22,656
TOTAL CURRENT LIABILITIES	28,145	26,614
LONG TERM LIABILITIES		
Note payable	6,273	12,691
TOTAL LIABILITIES	34,418	39,305
NET ASSETS		
Unrestricted (See Note 9)	64,121	41,165
,		
TOTAL LIABILITIES AND NET ASSETS	\$ 98,539	\$ 80,470

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

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

	2007	<u>2006</u>
<b>REVENUE AND SUPPORT</b>		
West Virginia Public Defender		
Services Grant Revenue	\$ 552,304	\$ 531,731
Interest income	174	119
TOTAL REVENUE AND SUPPORT	552,478	531,850
EXPENSES		
Personal services	362,824	351,427
Employee benefits	101,162	97,971
Support services	5,968	11,351
Administrative support	7,736	7,182
Office	40,599	47,677
Other	<b>995</b>	454
Acquisition	7,539	4,264
Interest	923	1,139
Depreciation	1,776	1,504
TOTAL EXPENSES	529,522	522,969
CHANGE IN UNRESTRICTED NET ASSETS	22,956	8,881
NET ASSETS		
Unrestricted - Beginning of year	41,165	32,284
Unrestricted - End of year	\$ 64,121	\$ 41,165

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

	2007	2006
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 552,304	\$ 531,731
Cash paid for expenses	(526,740)	(514,607)
Interest received	174	119
NET CASH PROVIDED BY		
OPERATING ACTIVITIES	25,738	17,243
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash purchases of property and equipment	(11,450)	(30,698)
NET CASH (USED IN)		
INVESTING ACTIVITIES	(11,450)	(30,698)
CASH FLOWS FROM FINANCING ACTIVITIES		
Proceeds from long-term debt	- 0 -	20,000
Payments on long-term debt	(4,893)	(3,711)
NET CASH (USED IN) PROVIDED BY		
FINANCING ACTIVITIES	(4,893)	16,289
NET INCREASE IN CASH	9,395	2,834
Cash balance - Beginning of year	49,900	47,066
Cash balance - End of year	\$ 59,295	\$ 49,900
RECONCILIATION OF CHANGE IN UNRESTRICTED NET ASSETS TO NET CASH PROVIDED BY OPERATING ACTIVITIES:		
Change in net assets	\$ 22,956	\$ 8,881
Adjustments:		
Depreciation and amortization	1,776	1,504
Decrease (increase) in operating assets:		
Other assets	1,000	357
Increase (decrease) in operating liabilities:		
Accrued expenses	6	2
Compensated absences	- 0 -	6,500
TOTAL ADJUSTMENTS	2,782	8,363
NET CASH PROVIDED BY		
OPERATING ACTIVITIES	\$ 25,738	\$ 17,244

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

#### **NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

#### **Nature of Operations**

The Public Defender Corporation for the Twenty-Fifth 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 86% of the Corporation's revenues are utilized for program related purposes and 14% 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 are capitalized at cost. Additionally, the Corporation's capitalization policy threshold is \$1,500. Depreciation is computed using the straight line basis 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 \$1,776 and \$1,504, respectively.

#### **Organization Costs/Amortization**

Costs incurred to obtain the tax status of the Corporation are reported as organization costs. Amortization expense for the years ended June 30, 2007 and 2006 was \$-0-, respectively.

#### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### **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 as of June 30, 2007 and 2006.

#### **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 30 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 - OPERATING LEASES**

The Corporation leases office space at one location at a rate of \$1,500 per month. The annual lease agreement is in effect until June 30, 2008.

#### **NOTE 3 - NOTE PAYABLE**

In August 2005, the Corporation signed a four year note payable to fund the purchase of an office building in Hamlin, West Virginia. The note was \$20,000 and is payable in 48 monthly installments of \$484.60 at an annual interest rate of 7.5%. The following is a schedule of the maturities for the next five years, and in the aggregate are as follows.

Year ending June 30	An	Amount		
2008	\$	5,123		
2009		5,521		
2010		752		
2011		-0-		
2012		-0-		
TOTAL	\$	11,396		

#### **NOTE 4 – 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 \$36,724 and \$35,438, 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 5 - 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 up to \$100,000. The Corporation had unreconciled bank balances at June 30, 2007 and 2006 of \$84,097 and \$69,125, respectively. The principle difference between the financial statement amount and the unreconciled balance is due to outstanding checks.

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 6 - 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 7 - CONTINGENT LIABILITIES**

The Corporation's programs are funded from state sources, principal of which is programs of the 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 8 - 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 9 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$59,295 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.

# CERTIFIED PUBLIC ACCOUNTANTS

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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 Twenty-Fifth Judicial Circuit Madison, West Virginia

We have audited the financial statements of the Public Defender Corporation for the Twenty-Fifth Judicial Circuit (a non-profit Corporation), as of and for the year ended June 30, 2007, and have issued our report thereon dated August 22, 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 Twenty-Fifth 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 Twenty-Fifth 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 certain matters that we reported to management of the Public Defender Corporation for the Twenty-Fifth 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 "Paterno

Huntington, West Virginia August 22, 2007

# **ADDITIONAL INFORMATION**

CERTIFIED PUBLIC ACCOUNTANTS

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### INDEPENDENT AUDITORS' REPORT ON ADDITIONAL INFORMATION

Honorable Members of the Board Public Defender Corporation for the Twenty-Fifth Judicial Circuit Madison, West Virginia

Our report on our audit of the basic financial statements of the Public Defender Corporation for the Twenty-Fifth 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, Wright "Paterno

Huntington, West Virginia August 22, 2007

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

	Budget	Actual		Under/(Over) Budget to <u>Actual</u>	
Personal services	\$ 366,805	\$	362,824	\$	3,981
Employee benefits	102,429		101,156		1,273
Support services	6,845		5,968		877
Administrative services	8,450		7,736		714
Office	41,775		39,599		2,176
Other	1,000		<b>995</b>		5
Acquisitions	 25,000		7,539		17,461
TOTAL	\$ 552,304	\$	525,817	\$	26,487