PUBLIC DEFENDER CORPORATION FOR THE FIRST 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 FIRST JUDICIAL CIRCUIT FOR THE YEARS ENDED JUNE 30, 2007 AND 2006

TABLE OF CONTENTS

	Page
Management Discussion and Analysis	1 - 3
Board Officials	4
Independent Auditors' Report	5
Financial Statements:	
Statements of Financial Position	6
Statements of Activities	7
Statements of Cash Flows	8
Notes to the Financial Statements	9 - 12
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 <i>Government Auditing Standards</i>	13 - 14
ADDITIONAL INFORMATION	
Independent Auditors' Report on Additional Information	15
Budget to Actual - Expenses - Cash Basis	16

MANAGEMENT DISCUSSION & ANALYSIS

This discussion and analysis of the Public Defender Corporation of the First 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 statement date. Through this presentation one can decipher the health of the Corporation by taking the difference between the assets and liabilities. An increase or a 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 \$168,189 and \$118,136, while liabilities were \$50,581 and \$47,155 resulting in a net asset balance of \$117,608 and \$70,981. \$8,089 and \$6,521 of the Corporation's net assets are invested in capital assets. The Corporation had no outstanding debt. Unrestricted net assets are \$117,608 and \$70,981.

The Corporation 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 \$935,285 and \$611,961, while expenses of the Corporation were \$888,658 and \$823,288. As a result of the excess of revenue over expenditures the Corporation's total net assets increased by \$46,627, from \$70,981 to \$117,608 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 \$211,327, from \$282,308 to \$70,981. The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$5,017 and \$-0- 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 \$48,485 due to an increase in funding to the Corporation. All other assets and liabilities stayed within reason between the two periods.

Funding from the State of West Virginia Public Defender Services increased by \$323,399 in order to cover excessive revenue deficits from the year ended June 30, 2006.

Operating expenses for the fiscal year increased by \$65,370 as a result of personal services and employee benefits cost increases of \$67,966. These increases in costs are attributable to full staffing. All other 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 \$141,338 and \$136,321, respectively. The Corporation's capital assets include furniture and fixtures and computer equipment. The assets are being depreciated over useful lives of three to twenty-seven and one-half years. The accumulated depreciation on the assets amounted to \$133,249 and \$129,800, respectively.

Purchases of fixed assets for the years ended June 30, 2007 and 2006 totaled \$5,017 and \$-0-, 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. The account earns interest at an average rate of .1% for the years ended June 30, 2007 and 2006, respectively. Interest earned for the years ended June 30, 2007 and 2006 amounted to \$153 and \$194, respectively. Additionally, for the years ended June 30, 2007 and 2006 the Corporation had deposits exceeding \$100,000 which were fully collateralized through securities pledged by the respective institution.

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 ending 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 \$976,018. This represents a budget increase of \$40,886 from the prior year, primarily in the personal services, employee benefits and supportive services 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 a general overview of the Corporation's finances and to demonstrate the Corporation's accountability for the money it receives.

PUBLIC DEFENDER CORPORATION FOR THE FIRST JUDICIAL CIRCUIT BOARD OFFICIALS JUNE 30, 2007

Office

<u>Name</u>

Board Chairman:

Board Officials:

Arch W. Riley, Esq.

Albert F. Campbell

Dean G. Makricostas, Esq.

Karen E. Kahle, Esq.

JoAnn Susan Doty

Roy Cashdollar

Managing Public Defender:

F. William Brogan, Jr., Esq.

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 First Judicial Circuit Wheeling, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the First 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 generally accepted accounting principles.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 1, 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 on 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.

Trainin, Wight "Paterno

Huntington, West Virginia September 1, 2007

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

ASSETS

	<u>2007</u>	<u>2006</u>
CURRENT ASSETS		
Cash	\$160,100	\$ 111,615
TOTAL CURRENT ASSETS	160,100	111,615
PROPERTY AND EQUIPMENT		
Furniture and fixtures	85,053	85,053
Computer equipment	56,285	51,268
	141,338	136,321
Less: Accumulated depreciation	(133,249)	(129,800)
PROPERTY AND EQUIPMENT, NET	8,089	6,521
TOTAL ASSETS	\$168,189	\$ 118,136

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES		
Accounts payable	\$ 200	\$ -0-
Accrued expenses	12,906	11,674
Compensated absences	37,475	35,481
TOTAL CURRENT LIABILITIES	50,581	47,155
NET ASSETS		
Unrestricted (See Note 9)	117,608	70,981
TOTAL LIABILITIES AND NET ASSETS	\$168,189	\$ 118,136

PUBLIC DEFENDER CORPORATION FOR THE FIRST 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	\$ 935,132	\$ 611,733	
Interest income	153	194	
Other income	- 0 -	34	
TOTAL REVENUE AND SUPPORT	935,285	611,961	
EXPENSES			
Personal services	572,524	518,953	
Employee benefits	195,157	180,762	
Support services	9,215	9,060	
Administrative support	23,563	20,914	
Office	71,150	77,190	
Other	7,615	6,737	
Acquisition	5,986	5,071	
Depreciation	3,448	4,601	
TOTAL EXPENSES	888,658	823,288	
CHANGE IN UNRESTRICTED NET ASSETS	46,627	(211,327)	
NET ASSETS			
Unrestricted - Beginning of year	70,981	282,308	
Unrestricted - End of year	\$ 117,608	<u> </u>	

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

PUBLIC DEFENDER CORPORATION FOR THE FIRST 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	\$ 935,132	\$ 611,733
Cash paid for expenses	(881,783)	(831,948)
Interest and other income received	153	227
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	53,502	(219,988)
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash purchases of property and equipment	(5,017)	- 0 -
NET CASH (USED IN)		
INVESTING ACTIVITIES	(5,017)	- 0 -
NET INCREASE (DECREASE) IN CASH	48,485	(219,988)
Cash balance - Beginning of year	111,615	331,603
Cash balance - End of year	\$ 160,100	\$ 111,615
RECONCILIATION OF CHANGE IN UNRESTRICTED		
NET ASSETS TO NET CASH PROVIDED BY		
(USED IN) OPERATING ACTIVITIES:		
Change in net assets	\$ 46,627	\$ (211,327)
Adjustments:		
Depreciation	3,448	4,601
Decrease (increase) in operating assets:		
Other assets	- 0 -	764
Increase (decrease) in operating liabilities:		
Accounts payable	200	(200)
Accrued expenses	1,233	(13,826)
Compensated absences	1,994	- 0 -
TOTAL ADJUSTMENTS	6,875	(8,661)
NET CASH PROVIDED BY (USED IN)		
OPERATING ACTIVITIES	\$ 53,502	\$ (219,988)

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 First 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 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 Corporations 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 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 \$250 is capitalized. Depreciation is computed using an accelerated basis over the estimated useful lives of the respective assets, ranging from three to twenty seven and one half years. Depreciation expense for the years ended June 30, 2007 and 2006 was \$3,448 and \$4,601, 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 did not have any cash equivalents at June 30, 2007 or 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.

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 fully vest in all earned but unused vacation leave. The corporation limits the amount of vacation leave that is paid at the time of separation from employment based on years of service with the maximum amount being 280 hours.

Sick Leave

The Corporation grants sick leave based on each month worked. The Corporation accrues sick leave for all employees but does not compensate the employee for the unused portion at the time of separation from 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 \$58,484 and \$55,119, 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 LEASES

The Corporation leases office space at two locations at a rate of \$1,200 and \$1,500 per month. The first lease agreement is in effect until August 30, 2010. The second lease is in effect until June 30, 2012. The total future minimum lease payments required are as follows:

Year ending June 30	Amount
2008	\$ 32,400
2009	32,400
2010	32,400
2011	20,400
2012	18,000
Total future minimum lease	
payments	\$ <u>135,600</u>

NOTE 4 - CONCENTRATIONS

The Corporation maintains its account balances 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 \$192,789 and \$136,960, respectively. The difference between the unreconciled balance and the reconciled balance is outstanding checks. The Corporation has obtained pledged governmental securities with a face value of \$200,000 from the financial institution to additionally collateralize these deposits. Therefore, the Corporation has no uncollateralized deposits at June 30, 2007 and 2006.

The Corporation receives approximately all of its funding from the State of 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 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 - TAX-RELATED LIABILITIES

In November 2006, the Corporation received notification from the IRS that the 2004 Form 990 information return had not been filed and, as a result, penalties and interest totaling \$756 were assessed due to the noncompliance. The Corporation's banking institution received notice of levy and subsequently remitted the assessed amount in December 2006.

In May 2007, the Corporation received notification from the IRS that the 2005 Form 990 information return had not been filed, but no penalties and interest had been assessed at that time. No accrual was estimated at fiscal year end.

NOTE 9 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$160,100 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

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

218 13TH STREET

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 First Judicial Circuit Wheeling, West Virginia

We have audited the financial statements of the Public Defender Corporation for the First Judicial Circuit (a nonprofit Organization), as of and for the year ended June 30, 2007, and have issued our report thereon dated September 1, 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 First 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 Pubic Defender Corporation for the First 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 First 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 "Paterno

Huntington, West Virginia September 1, 2007

ADDITIONAL INFORMATION

TRAINER, WRIGHT & PATERNO

CERTIFIED PUBLIC ACCOUNTANTS

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

218 13TH STREET

INDEPENDENT AUDITORS' REPORT ON ADDITIONAL INFORMATION

Honorable Members of the Board Public Defender Corporation for the First Judicial Circuit Wheeling, West Virginia

Our report on our audits of the basic financial statements of the Public Defender Corporation for the First Judicial Circuit for the years ended June 30, 2007 and 2006 appears on page 5. The audits were 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 "Paterno

Huntington, West Virginia September 1, 2007

P

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

	Budget		Actual		(Over)/Under Budget to <u>Actual</u>	
Personal services	\$	583,075	\$	570,530	\$	12,545
Employee benefits		209,550		193,724		15,826
Support services		12,530		9,215		3,315
Administrative services		24,955		23,563		1,392
Office		81,850		71,150		10,700
Other		8,172		7,615		557
Acquisitions		15,000		5,986		9,014
TOTAL	\$	935,132	\$	881,783	\$	53,349