

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND 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 SECOND 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 Second Judicial Circuit of the West Virginia Public Defender Services 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 dates. 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 \$181,551 and \$113,450, while liabilities were \$31,594 and \$26,722 resulting in a net asset balance of \$149,957 and \$86,728. \$2,660 and \$3,273 of the Corporation's net assets are invested in capital assets. The Corporation had no outstanding debt. Unrestricted net assets are \$149,957 and \$86,728.

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 \$522,310 and \$431,239 whereas expenditures were \$459,081 and \$455,397. As a result of the excess of revenue over expenditures, the Corporation's total net assets increased by \$63,229, from \$86,728 to \$149,957 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 \$24,158, from \$110,886 to \$86,728.

The Corporation's revenues and expenditures are all considered operating. Capital purchases were \$-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 held by the Corporation increased by \$68,714 attributable to an increase in revenues of \$91,071. All other asset, liability, revenue and expense accounts remained within reason between the two periods.

An increase in funding from the West Virginia Public Defender Services of \$87,196 is attributable to an increase in other expenses and the deficit of revenue from the year ended June 30, 2006.

Operating expenses increased by \$3,684 due to an increase in personal services and administrative support costs during the year ended June 30, 2007.

Capital Asset and Debt Activity

As of June 30, 2007 and 2006, the Corporation had capital assets amounting to \$41,451, respectively. The Corporation's capital assets include furniture and fixtures and computer equipment. The assets are being depreciated over useful lives of three to ten years. The accumulated depreciation on the assets amounted to \$38,791 and \$38,178, respectively.

Purchases of fixed assets for the years ended June 30, 2007 and 2006 totaled \$-0-, respectively.

The Corporation has no short or long-term debt.

Cash Management

The Corporation's funds are deposited into a checking account with a sweep feature at a national banking institution. The checking account earns interest at an average rate of .05% and .05% for the years ended June 30, 2007 and 2006 whereas the sweep account earns interest at the federal funds rate, currently 4.155%. Interest earned during the years ended June 30, 2007 and 2006 amounted to \$5,339 and \$1,505, 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 the year ending June 30, 2008. Such factors considered 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, their 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 \$509,514. This represents a budget decrease of \$7,418 from the prior year. Significant changes to budgeted expenditures include a decrease in the employee benefits 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 SECOND JUDICIAL CIRCUIT
BOARD OFFICIALS
JUNE 30, 2007**

<u>Office</u>	<u>Name</u>
Board Chairman:	Vicki Voorhis
Board Officials:	Kenneth R. Rogerson
	Mike Burkey, Esq.
	Linda L. Fitzsimmons
	Larry W. Yoho
Managing Public Defender:	David L. Zehnder, Esq.

INDEPENDENT AUDITORS' REPORT

Honorable Members of the Board
Public Defender Corporation
for the Second Judicial Circuit
Moundsville, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Second 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 audit 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 29, 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 assessing the results of our audit.

Management's Discussion and Analysis (MD&A) on pages 1 through 2 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
August 29, 2007

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

ASSETS

	<u>2007</u>	<u>2006</u>
CURRENT ASSETS		
Cash	<u>\$ 178,891</u>	<u>\$ 110,177</u>
TOTAL CURRENT ASSETS	<u>178,891</u>	<u>110,177</u>
PROPERTY AND EQUIPMENT		
Furniture and fixtures	9,083	9,083
Computer equipment	<u>32,368</u>	<u>32,368</u>
	41,451	41,451
Less: Accumulated depreciation	<u>(38,791)</u>	<u>(38,178)</u>
PROPERTY AND EQUIPMENT, NET	<u>2,660</u>	<u>3,273</u>
TOTAL ASSETS	<u><u>\$ 181,551</u></u>	<u><u>\$ 113,450</u></u>

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES		
Accrued expenses	\$ 7,431	\$ 2,559
Compensated absences	<u>24,163</u>	<u>24,163</u>
TOTAL CURRENT LIABILITIES	<u>31,594</u>	<u>26,722</u>
NET ASSETS		
Unrestricted (See Note 9)	<u>149,957</u>	<u>86,728</u>
TOTAL LIABILITIES AND NET ASSETS	<u><u>\$ 181,551</u></u>	<u><u>\$ 113,450</u></u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND 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	\$ 516,930	\$ 429,734
Interest income	5,339	1,505
Other income	41	- 0 -
	<u>522,310</u>	<u>431,239</u>
EXPENSES		
Personal services	316,624	314,748
Employee benefits	102,475	103,848
Support services	2,704	2,466
Administrative support	7,304	6,788
Office	22,180	21,465
Other	5,712	2,100
Acquisition	1,469	3,308
Depreciation	613	674
	<u>459,081</u>	<u>455,397</u>
CHANGE IN UNRESTRICTED NET ASSETS	63,229	(24,158)
NET ASSETS		
Unrestricted - Beginning of year	86,728	110,886
Unrestricted - End of year	<u>\$ 149,957</u>	<u>\$ 86,728</u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND 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	\$ 516,930	\$ 429,734
Cash paid for expenses	(453,555)	(452,568)
Interest received	<u>5,339</u>	<u>1,505</u>
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	<u>68,714</u>	<u>(21,329)</u>
NET INCREASE (DECREASE) IN CASH	68,714	(21,329)
Cash balance - Beginning of year	<u>110,177</u>	<u>131,506</u>
Cash balance - End of year	<u><u>\$ 178,891</u></u>	<u><u>\$ 110,177</u></u>
RECONCILIATION OF CHANGE IN UNRESTRICTED NET ASSETS TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:		
Change in net assets	<u>\$ 63,229</u>	<u>\$ (24,158)</u>
Adjustments:		
Depreciation	613	674
Decrease (increase) in operating assets:		
Other assets	- 0 -	531
Increase (decrease) in operating liabilities:		
Accounts payable/accrued expenses	<u>4,872</u>	<u>1,624</u>
TOTAL ADJUSTMENTS	<u>5,485</u>	<u>2,829</u>
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	<u><u>\$ 68,714</u></u>	<u><u>\$ (21,329)</u></u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The Public Defender Corporation for the Second 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 88% of the Corporation's available funds are utilized for program related purposes and 12% 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. The Corporation does not have a capitalization policy threshold. Depreciation is computed using the straight-line method over the estimated useful lives of the respective assets, ranging from three to ten years. Depreciation expense for the years ended June 30, 2007 and 2006 was \$613 and \$674, 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 for the years ended 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.

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

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 are accrued for vacation leave at the current rate of pay for all employees up to 120 hours. Employees fully vest in all earned but unused vacation leave and are compensated for the unused portion at the time of separation from employment.

Sick Leave

The Corporation grants sick leave based on time worked. The Corporation accrues sick leave for all employees up to 480 hours and compensates the employee for 10% of the vested 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 - OPERATING LEASE

The Corporation leases its office space on a month to month basis at a rate of \$800 per month.

NOTE 3 - 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 \$33,382 and \$33,007, respectively.

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 3 – 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 4 - CONCENTRATIONS

The Corporation maintains its cash account balance at a local financial institution in a checking account with an overnight repurchase agreement. The checking account is insured by the Federal Deposit Insurance Corporation up to \$100,000 and the repurchase agreement account is secured by its overnight investment features. The Corporation had unreconciled bank balances at June 30, 2007 and 2006 of \$192,410 and \$119,830, respectively. The difference between the unreconciled balance and the reconciled balance is due to outstanding checks. Therefore at June 30, 2007 and 2006, no cash balances were uncollateralized.

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 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.

**PUBLIC DEFENDER CORPORATION
FOR THE SECOND JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

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

During the fiscal year, 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 \$4,197 were assessed due to the noncompliance. The financial statements reflect this liability.

Additionally, the Corporation acknowledges that the 2005 Form 990 information return has not been filed, but at this time no correspondence has been received from the IRS concerning this tax period and no liability has been recorded.

NOTE 9 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$178,891 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.

**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 Second Judicial Circuit
Moundsville, West Virginia**

We have audited the financial statements of the Public Defender Corporation for the Second Judicial Circuit (a nonprofit Organization), as of and for the year ended June 30, 2007, and have issued our report thereon dated August 29, 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 Second 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 Second 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 Second 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.

A handwritten signature in black ink that reads "Francis, Wright & Paterno". The signature is written in a cursive style with a small asterisk between "Wright" and "Paterno".

Huntington, West Virginia
August 29, 2007

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ADDITIONAL INFORMATION

**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

**Honorable Members of the Board
Public Defender Corporation
for the Second Judicial Circuit
Moundsville, West Virginia**

Our report on our audits of the basic financial statements of the Public Defender Corporation for the Second Judicial Circuit for the years ended June 30, 2007 and 2006 appears on page 4. Those 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.



**Huntington, West Virginia
August 29, 2007**

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

	<u>Budget</u>	<u>Actual</u>	(Over)/Under Budget to <u>Actual</u>
Personal services	\$ 343,825	\$ 316,624	\$ 27,201
Employee benefits	112,024	97,603	14,421
Support services	10,998	2,704	8,294
Administrative services	10,933	7,304	3,629
Office	30,009	22,180	7,829
Other	4,568	5,712	(1,144)
Acquisitions	<u>4,575</u>	<u>1,469</u>	<u>3,106</u>
 TOTAL	 <u>\$ 516,932</u>	 <u>\$ 453,596</u>	 <u>\$ 63,336</u>