

**State of New Mexico
Fourth Judicial District Court
Financial Statements and Schedules
With Independent Auditors Report Thereon
For the Fiscal Year Ended June 30, 2009**

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

TABLE OF CONTENTS

June 30, 2009

Introductory Section

Table of Contents.....	ii-iii
Official Roster.....	iv

Financial Section

Independent Auditor’s Report.....	1-2
Management’s Discussion and Analysis	3-7

Basic Financial Statements:

Government-wide Financial Statements

Statement of Net Assets.....	8
Statement of Activities.....	9

Fund Financial Statements

Balance Sheet - Governmental Funds.....	10
Reconciliation of Governmental Funds Balance Sheet to the Statement of Net Assets	11
Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds.....	12
Reconciliation of the Change in Fund Balances of Governmental Funds to the Statement of Activities.....	13
Statement of Revenues and Expenditures Budget and Actual (Budgetary Basis) - Major Governmental Funds.....	14
Statement of Fiduciary Net Assets - Agency Funds	15
Notes to the Financial Statements.....	16-29

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

TABLE OF CONTENTS

June 30, 2009

Supplementary Information

Schedule of Changes in Assets and Liabilities - Agency Fund	30
Schedule of Operating Transfers	31
Schedule of Cash Accounts	32
Schedule of Memorandums of Understanding	33-35

Governmental Auditing Standards Report

Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance Based On an Audit of Financial Statements Performed in Accordance with <u>Government Auditing Standards</u>	36-37
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Schedule of Findings and Responses	38-39
---	-------

Status of Prior Year Findings	40
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Exit Conference	41
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**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

OFFICIAL ROSTER

June 30, 2009

Judges

Honorable Eugenio S. Mathis	Division I
Honorable Abigail Aragon	Division II
Honorable Matthew J. Sandoval – Presiding Judge	Division III

Administrative Official

Frederick A. Sena	Court Executive Officer
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Zlotnick, Laws & Sandoval, P.C.

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INDEPENDENT AUDITOR'S REPORT

Hector H. Balderas
New Mexico State Auditor
and
Honorable Matthew J. Sandoval – Presiding Judge
Fourth Judicial District Court
Las Vegas, New Mexico

We have audited the accompanying financial statements of the governmental activities each major fund and the aggregate remaining fund information of the State of New Mexico Fourth Judicial District Court (Court), as of and for the year ended June 30, 2009 which collectively comprise the Court's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Court's management. Our responsibility is to express an opinion on these financial statements based on our audit.

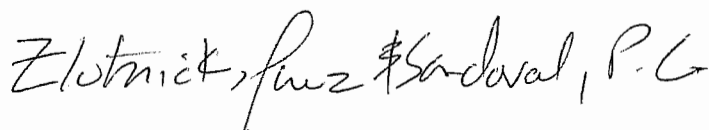
We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and 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 audit provides a reasonable basis for our opinions.

As discussed in Note 1, the financial statements of the State of New Mexico Fourth Judicial District Court are intended to present the financial position and changes in financial position of only that portion of the governmental activities, each major fund, the aggregate remaining fund information and budgetary comparisons of the State that is attributable to the transactions of the Court. They do not purport to, and do not, present fairly the financial position of the entire State of New Mexico as of June 30, 2009 and the changes in its financial position thereof and the respective budgetary comparisons for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Court as of June 30, 2009, and the respective changes in financial position thereof and the respective budgetary comparison for the general fund for the year 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 a report dated November 25, 2009, on our consideration of the Court's internal control over financial reporting and 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.

The Management's Discussion and Analysis on pages 3 through 7 are not a required part of the basic financial statements but are 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 Management's Discussion and Analysis. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the basic financial statements. The accompanying supplementary information listed as schedules in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements. The information in these schedules has been subjected to the auditing procedures applied in the audit of the basic financial statements; and, in our opinion, such information is fairly presented in all material respects in relation to the financial statements taken as a whole.



Zlotnick, Laws & Sandoval, P.C.

November 25, 2009

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)
June 30, 2009**

The Court's Management Discussion and Analysis is designed to assist the reader in focusing on significant financial issues and to provide an overview of the Court's financial activity.

OVERVIEW OF THE FINANCIAL STATEMENTS

The annual report consists of four parts – (1) Management's Discussion and Analysis (this section), (2) the basic financial statements, (3) required supplementary information and (4) other reports. The basic financial statements include two kinds of statements that present different views of the Court.

- The first two statements are government-wide financial statements that provide both long-term and short-term information about the Court's overall financial status.
- The remaining statements are fund financial statements that focus on individual parts of the Court. The governmental funds statements tell how the general government service was financed in the short-term as well as what remains for future spending.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that presents schedules and further explains and supports the information in the financial statements. In addition to these required elements, we have included a section with supporting schedules. The remainder of this overview section of Management's Discussion and Analysis explains the structure and contents of each of the statements.

GOVERNMENT-WIDE STATEMENTS:

The two government-wide statements report information about the Court as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes all of the Court's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the Court's net assets and how they have changed. Net Assets is the difference between the Court's assets and liabilities and is one way to measure the Court's financial health or position. Over time, increases or decreases in the Court's net assets are an indicator of whether its financial health is improving or deteriorating, respectively.

The Court has only one activity - Judicial Services, which is a governmental activity. The Court does not have any business-type activities or any component units.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)
June 30, 2009**

FUND FINANCIAL STATEMENTS:

The fund financial statements provide more detailed information about the Court's significant governmental funds, not the Court as a whole. Funds are accounting devices that the Court uses to keep track of specific sources of funding and spending for particular purposes.

The Court has two types of funds:

- General Appropriation Fund - All of the Court's services are reflected in the general appropriation fund and provide information to help the user determine whether there are more or fewer financial resources that can be used to finance the Court's programs. This fund is a reverting fund in that all the money remaining at the end of the fiscal year will be reverted to the state's general fund.
- Mediation Fund - The mediation fund accounts for fees collected as part of the docket fee and held by the Court to establish a domestic mediation program. It is a non-reverting fund. The fund will continue to accumulate money until such time as the mediation program has been developed and implemented.

GOVERNMENT-WIDE HIGHLIGHTS:

Condensed Financial Comparison for current and prior Fiscal Year:

	<u>June 30, 2009</u>	<u>June 30, 2008</u>
Current Assets	\$ 126,988	\$ 137,314
Capital Assets	<u>139,138</u>	<u>174,442</u>
Total Assets	<u>\$ 266,126</u>	<u>\$ 311,756</u>
Current Liabilities	\$ 169,668	\$ 179,271
Long Term Liabilities	<u>11,861</u>	<u>12,855</u>
Total Liabilities	<u>\$ 181,529</u>	<u>\$ 192,126</u>
Net Assets		
Invested in Capital Assets	\$ 139,138	\$ 174,442
Restricted for Mediation	6,430	9,335
Unrestricted (deficit)	<u>(60,971)</u>	<u>(64,146)</u>
Total net assets	<u>\$ 84,597</u>	<u>\$ 119,631</u>

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)
June 30, 2009**

GOVERNMENT-WIDE HIGHLIGHTS: (continued)

Condensed Financial Comparison for current and prior Fiscal Year:

	<u>June 30, 2009</u>	<u>June 30, 2008</u>
Program Revenue – Court Fees	\$ 35,534	\$ 23,828
General Revenue-State Appropriation	<u>2,264,700</u>	<u>2,154,763</u>
Total Revenue	\$ <u>2,300,234</u>	\$ <u>2,178,591</u>
Expenses-General Fund	\$ 2,330,772	\$ 2,167,788
Reversions to State of New Mexico	<u>4,496</u>	<u>16,571</u>
Total Expenses	\$ <u>2,335,268</u>	\$ <u>2,184,359</u>
Change in net assets	\$ (35,034)	\$ (5,768)
Beginning Net Assets	<u>119,631</u>	<u>125,399</u>
Ending net assets	<u>\$ 84,597</u>	<u>\$ 119,631</u>

OVERALL FINANCIAL POSITION:

The overall financial position of the Court is virtually unchanged. The Court receives state funded appropriations to pay for operating costs. Any unused portion of the appropriation is reverted to the general fund at the end of the fiscal year. The Court realized a decrease of \$35,034 to its net assets during the year, which resulted from nominal increases in depreciation and compensated absences.

INDIVIDUAL FUND HIGHLIGHTS:

The Court's unreserved fund balance remains unchanged since all amounts are reserved to pay program expenses. However, the Court reported a \$10,000 reserve for postage inventory, which represents postage purchased near fiscal year-end that is scheduled for expenditure in the upcoming year. The Mediation Fund demonstrated a decrease of \$2,905 in fund balance during the year; a direct result of the Court utilizing the mediation program to a greater extent than the previous year.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)
June 30, 2009**

BUDGETARY HIGHLIGHTS:

The 2009 operating budget increased \$121,354 from the previous year, which reflects a 5.6% increase. The Court processed two separate budget adjustment requests in 2009; a 'budget increase' to account for federal revenues received from the AOC for drug court expense reimbursements, and a 'category transfer' to address shortfalls in personal services and other category.

CAPITAL ASSETS AND LONG TERM DEBT:

The Court's capital assets consist of personal property net of accumulated depreciation. The ending book value of capital assets is \$139,138, which is \$35,304 less than fiscal year 2008 and attributable to accumulated depreciation. The Court did not make any capital acquisitions during the year, nor does the Court own any infrastructure assets.

The long-term debt consists of compensated absences that are due employees for sick and annual leave accrued. In fiscal year 2009, the ending debt for compensated absences was \$11,861. The decrease of \$994 during the current year is the normal result of employees taking more vacation time than they accrued.

OTHER FINANCIAL HIGHLIGHTS:

The Fourth Judicial District Court operates primarily on General Fund money appropriated by the State of New Mexico Legislature. Funds, in the form of court costs, fines and fees, are collected and accounted for in the State Treasurer's checking account, into which all non-trust money is deposited. All litigant funds, or trust monies, are maintained by means of an administrative trust checking or savings account. Each bank account is managed and reconciled by the Court.

Aside from the developments stated above, the Court will continue to operate under the same financial procedures and policies as it has in the past.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)
June 30, 2009**

AGENCY HIGHLIGHTS:

The Fourth Judicial District (Business Unit 23400) operates under sections 34-6-1, 34-6-3, 34-6-7 and 34-6-17 through 34-6-46 NMSA, 1978 Compilation. The Fourth District is comprised of San Miguel, Mora and Guadalupe Counties and is a state court of general jurisdiction, meaning it is authorized to hear and determine all civil and criminal matters that are not specifically exempted from its jurisdiction. Three judges reside in San Miguel County and preside over the entire district, which in terms of geography is one of the larger districts in the state.

The current caseload (2,526 new cases) is consistent with previous years and reflects a slight decrease (down 121 cases) from the prior year. Current management reports justify three full time judges.

CONTACTING THE COURT'S FINANCIAL MANAGEMENT:

This financial report is designed to provide citizens, taxpayers, customers, legislators and creditors with a general overview of the Court's finances and to demonstrate the Court's accountability for the funds it receives. If you have any questions about this report, or need additional information contact:

FOURTH JUDICIAL DISTRICT COURT
496 West National
P.O. Box 1540
Las Vegas, New Mexico 87701

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

STATEMENT OF NET ASSETS

June 30, 2009

	<u>Governmental Activities</u>
ASSETS	
Current Assets:	
Investment in State General Fund Investment Pool	\$ 108,988
Prepaid Expenses - Postage Inventory	10,000
Due from Other State Agencies	8,000
Total Current Assets	<u>126,988</u>
Noncurrent Assets:	
Capital assets, net (note 4)	139,138
Total Assets	<u><u>266,126</u></u>
LIABILITIES	
Current Liabilities:	
Accounts payable	22,143
Accrued payroll	84,324
Other Liabilities	(405)
Due to State General Fund	4,496
Accrued compensated absences	59,110
Total Current Liabilities	<u>169,668</u>
Noncurrent Liabilities:	
Accrued compensated absences	11,861
Total Liabilities	<u>181,529</u>
NET ASSETS	
Invested in Capital Assets	139,138
Restricted for special purposes:	
Mediations	6,430
Unrestricted (deficit)	(60,971)
Total net assets	<u>84,597</u>
Total Liabilities and Net Assets	<u><u>\$ 266,126</u></u>

See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2009

	Governmental Activities
Expenses:	
Judicial:	
Administrative Services	\$ 2,295,468
Depreciation Expense	35,304
Total Expenses	<u>2,330,772</u>
Program Revenues:	
Charges for services	17,997
Court fees	6,120
Federal grant revenues	<u>11,417</u>
Net program expenses	<u>2,295,238</u>
General Revenues and Transfers	
State General Fund appropriations	2,196,300
Other State Funds	68,400
State General Fund reversion	<u>(4,496)</u>
	<u>2,260,204</u>
Change in net assets	(35,034)
Net assets, beginning of year	<u>119,631</u>
Net assets, end of year	<u><u>\$ 84,597</u></u>

See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

BALANCE SHEET - GOVERNMENTAL FUNDS

June 30, 2009

	Major Fund Governmental		Total Governmental Funds
	General 14400	Mediation 65000	
ASSETS			
Current Assets			
Investment in State GF Investment Pool	\$ 102,558	6,430	108,988
Prepaid Expenses - Postage Inventory	10,000	-	10,000
Due from Other State Agencies	8,000	-	8,000
Total assets	120,558	6,430	126,988
LIABILITIES AND FUND BALANCES			
Current Liabilities			
Accounts payable	22,143	-	22,143
Accrued payroll	84,324	-	84,324
Other Liabilities	(405)	-	(405)
Due to State General Fund	4,496	-	4,496
Total liabilities	110,558	-	110,558
FUND BALANCES			
Reserved for postage inventory	10,000	-	10,000
Reserved for Mediations	-	6,430	6,430
Total fund balances	10,000	6,430	16,430
Total liabilities and fund balances	\$ 120,558	6,430	126,988

See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**RECONCILIATION OF GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET ASSETS**

June 30, 2009

Total fund balances for governmental funds	\$ 16,430
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Amounts reported for governmental activities in the Statement of Net Assets are different because:

Capital assets used in governmental activities are not financial resources, and therefore are not reported in the funds. These assets consist of the following:

Capital assets, net	139,138
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Some liabilities are not due and payable in the current period, and therefore are not reported in the funds. Those liabilities consist of the following:

Compensated absences	<u>(70,971)</u>
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Net Assets of Governmental Activities	<u><u>\$ 84,597</u></u>
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See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS**

For the Year Ended June 30, 2009

	General Fund 14400	Mediation Fund 65000	Total Governmental Funds
REVENUES			
Charges for services	\$ 17,997	-	17,997
Court Fees	-	6,120	6,120
Federal grant revenues	11,417	-	11,417
Total Revenues	<u>29,414</u>	<u>6,120</u>	<u>35,534</u>
EXPENDITURES			
Current:			
Judicial:			
Administrative Services:			
Personal services & benefits	1,848,560	-	1,848,560
Contract services	245,923	9,025	254,948
Other costs	195,135	-	195,135
Capital outlay	-	-	-
Total Expenditures	<u>2,289,618</u>	<u>9,025</u>	<u>2,298,643</u>
Excess (deficiency) of revenues over expenditures	<u>(2,260,204)</u>	<u>(2,905)</u>	<u>(2,263,109)</u>
OTHER FINANCING SOURCES (Uses)			
Transfers In:			
General fund appropriations	2,196,300	-	2,196,300
Transfers from other agencies	68,400	-	68,400
Transfers Out:			
2009 Reversions to the State General Fund	(4,496)	-	(4,496)
Total other financing sources (uses)	<u>2,260,204</u>	<u>-</u>	<u>2,260,204</u>
Net change in fund balances	-	(2,905)	(2,905)
Fund balances, beginning - 6/30/2008	-	9,335	9,335
Increase in reserve for postage inventory	10,000	-	10,000
Fund balances, ending - 6/30/2009	<u>\$ 10,000</u>	<u>6,430</u>	<u>16,430</u>

See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**RECONCILIATION OF THE CHANGE IN FUND BALANCES
OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

For the Year Ended June 30, 2009

Net change in fund balances - total governmental funds	\$	(2,905)
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Amounts reported for governmental activities in the Statement of Activities are different because:

Certain outlays are reported as expenditures in governmental funds. However, in the statement of activities, these costs are expensed as they are consumed or are allocated over their estimated useful lives. In the current period these amounts are:

Capital outlay	-	
Depreciation expense	(35,304)	
Excess of capital outlay over depreciation expense	<u> </u>	(35,304)
Postage Inventory		10,000

Expenses recognized in the Statement of Activities, not reported in the governmental funds:

Change in compensated absences (increase)	<u> </u>	(6,825)
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Change in Net Assets of Governmental Activities	\$	<u> </u>	(35,034)
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See Notes to Financial Statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**STATEMENT OF REVENUES AND EXPENDITURES
BUDGET AND ACTUAL (BUDGETARY BASIS)
MAJOR GOVERNMENTAL FUNDS**

For the Year Ended June 30, 2009

General Fund - 14400				
Budget Amounts		Actual Amounts	Variance with	
Original	Final	(Budgetary	Final Budget	
		Basis)	Positive	
			(Negative)	
REVENUES				
State General Fund appropriations	\$ 2,196,300	2,196,300	2,196,300	-
Other financing sources	68,400	79,817	79,817	-
Miscellaneous Revenue	20,000	20,000	17,997	(2,003)
Total Revenues	2,284,700	2,296,117	2,294,114	(2,003)
Fund Balance	-	-		
Total Revenues and Fund Balance	2,284,700	2,296,117		

EXPENDITURES

Administrative Services:

Personnel services & employee benefits	1,846,700	1,850,200	1,848,560	1,640
Contractual services	254,783	246,200	245,923	277
Other costs	183,217	199,717	195,135	4,582
Total Expenditures	2,284,700	2,296,117	2,289,618	6,499

Mediation Fund - 65000

Budget Amounts		Actual Amounts	Variance with	
Original	Final	(Budgetary	Final Budget	
		Basis)	Positive	
			(Negative)	
REVENUES				
Court Fees	5,000	5,000	6,120	(1,120)
Fund Balance	5,000	5,000		
Total Revenues	10,000	10,000		
EXPENDITURES				
Administrative Services:				
Contractual services	10,000	10,000	9,025	975
Total Expenditures	\$ 10,000	10,000	9,025	975

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

STATEMENT OF FIDUCIARY ASSETS & LIABILITIES - AGENCY FUNDS

June 30, 2009

	<u>Agency Fund</u>
ASSETS	
Cash and cash equivalents	<u>\$ 472,107</u>
LIABILITIES	
Deposits held for others (or due to external parties)	<u>472,107</u>

See Notes to Financial Statements.

STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
NOTES TO FINANCIAL STATEMENTS
June 30, 2009

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Financial Reporting Entity

The Fourth Judicial District Court operates under Section 34-6-1 through 34-6-3, 34-6-7 and 34-6-17 through 34-6-46, NMSA 1978 Compilation. The Fourth Judicial District Court covers Las Vegas, Mora and Guadalupe Counties. The Court is comprised of three divisions as authorized in the above statutes. The Court is a State Court of general jurisdiction and is authorized to hear and determine all civil and criminal cases, which are not specifically exempted from its jurisdiction. Financing of the court is by state appropriation.

The Fourth Judicial District Court is a component unit of the Judicial Branch and these financial statements include all funds and activities over which the Court has oversight responsibility. The Court has decision-making authority, the power to designate management, the responsibility to significantly influence operations, and primary accountability for fiscal matters. The Court is part of the primary government of the State of New Mexico and its financial data should be included with the financial data of the state. However, New Mexico does not at present issue an audited Comprehensive Annual Financial Report inclusive of all agencies of the primary government. The Court has no component units that are required to be reported in its financial statements.

The accounting policies of the Fourth Judicial District Court conform to generally accepted accounting principles (GAAP) as applicable to governments. A summary of the Court's significant accounting policies follows:

A. Basis of Accounting- GASB Statement No. 34

The basic financial statements include both government-wide and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as governmental activities.

B. Basis of Presentation - Fund Accounting

Government-Wide Financial Statements

The statement of net assets and the statement of activities display information about the Court, the primary government, as a whole, without displaying individual funds or fund types. Generally, these statements distinguish between activities that are governmental and those that are considered business-type activities. The Court has no business-type activities; therefore these statements only reflect governmental activities. Government-wide financial statements exclude information about fiduciary funds and component units that are fiduciary in nature.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

B. Basis of Presentation - Fund Accounting (Continued)

The government-wide statements are prepared using the “economic resources” measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange-like transactions are recognized when the exchange takes place.

Fund Financial Statements

The governmental fund financial statements are presented on the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when “measurable and available”. Measurable means knowing or being able to reasonably estimate the amount. Available means collectible within the current period or within sixty days in order to pay current liabilities. Expenditures (including capital outlay) are recorded when the related fund liability is incurred.

This presentation is deemed appropriate to (a) demonstrate legal compliance, (b) demonstrate the source and use of liquid resources, and (c) demonstrate how the Court’s actual experience confirms to the budget of fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements, reconciliations that briefly explains the adjustments necessary to transform the fund based financial statements into the government-wide statements are presented on the page following each fund statement.

The Court’s fiduciary fund (agency funds) is presented in the fund financial statements. The agency fund is presented in the accrual basis of accounting. Since by definition these assets are being held for the benefit of a third party and cannot be used to address activities or obligations of the government, these funds are not incorporated in the government-wide financial statements.

When an expense is incurred for purposes for which both restricted and unrestricted net assets are available, the Court first uses restricted resources then unrestricted resources.

The accounts of the Court are organized on a fund basis, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues and expenditures, or expenses as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which spending activities are controlled. The following fund types are used by the Court:

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

B. Basis of Presentation - Fund Accounting (Continued)

Governmental Funds

General Fund - The General Fund is the general operating fund of the District Court. It is used to account for all financial resources except those required to be accounted for in another fund. Any unexpended balance remaining in the General Fund at the end of the fiscal year reverts to the General Fund of the State of New Mexico. The SHARE fund number and description of the General Fund of the Court is 14400 - Court Regular.

Special Revenue Funds

The Special Revenue Fund accounts for revenue sources that are legally restricted to expenditures for specific purposes. No expenditures can be made from the special revenue fund for operations of the Court.

Court Mediation - The Court has established a Domestic Relations Mediation Fund pursuant to Sections (40-12-4, NMSA 1978 Comp.) of the Domestic Relations Mediations Act. The Court collects a fee from general docket cases as required by statute to finance a mediation alternative to legal resolution of domestic disputes such as consideration of divorce, child custody and visitation issues. The Mediation Fund is non-reverting. The SHARE fund number of the Mediation Fund is 65000. The court considers this fund a major fund.

Fiduciary Funds

Agency Funds - Agency Funds are used to account for assets held by the Court in a trustee capacity or as an agent for individuals, private organizations, other governments and/or other funds. Agency funds are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations.

The Court collects fines, fees and bonds from litigants. The fines and fees are deposited in the agency fund and then transferred to the State Treasurer for distribution to the benefiting agencies. The bonds are held until the case is disposed and the bond is returned to the litigant.

C. Assets, Liabilities and Equity

Cash and Investments

The Court's cash and cash equivalents are demand deposits and savings accounts.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Assets, Liabilities and Equity (Continued)

Inventory

Inventory is stated on the consumption method in the government-wide statements to be consistent with the accrual basis of accounting. The purchases method is used on the fund financial statements and inventory balances are reported as assets in the governmental fund balance sheet when deemed significant.

Capital Assets

In the government-wide financial statements, property, plant and equipment is accounted for as capital assets. All capital assets are valued at historical cost or estimated historical cost if actual is unavailable, except for donated assets which are recorded at their estimated fair value at the date of donation. Capital assets with a value exceeding \$5,000 are capitalized and depreciated. Any software acquired is also included in capital assets and depreciated.

New Mexico Laws of 2005, Chapter 237, Section 1 changed the capitalization threshold for movable chattel and equipment from items costing more than \$1,000 to \$5,000. Under this new law, items in the capital asset inventory that do not meet the new capitalization threshold continue to be depreciated in future periods until they are fully depreciated

Depreciation is provided over the assets' estimated useful lives using the straight-line method of depreciation. The range of estimated useful lives by type of asset is as follows:

Furniture and Fixtures	5 years
Equipment and Machinery	5-10 years
Library	3 years
Automotive	5 years

In the fund financial statements, capital assets used in governmental fund operations are accounted for as capital outlay expenditures of the governmental fund upon acquisition.

Long-Term Liabilities

Compensated Absences - The Court's policies regarding annual leave permits employees to accumulate earned, but unused annual leave. The liability for these compensated absences is recorded as long-term debt in the government-wide statements. In the fund financial statements, governmental funds report only the compensated absences liability payable from expendable available financial resources.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Assets, Liabilities and Equity (Continued)

Equity

Government-Wide Statements

Equity is classified as net assets and displayed in three components:

1. *Invested in capital assets*, consists of capital assets net of accumulated depreciation and reduced by any outstanding debt. The Court has no outstanding debt relating to capital assets.
2. *Restricted net assets*, consists of net assets with constraints placed on their use either by (1) external groups such as creditors, grantors, contributors or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation.
3. *Unrestricted net assets* are all other net assets that do not meet the definition of "restricted" or "invested in capital assets." The deficit reflected in the statement is caused primarily by accrued compensated absences at year end that have not been funded.

Fund Financial Statements

Governmental fund equity is classified as fund balance. Fund balance is further classified as reserved and unreserved.

D. Budgets and Budgetary Accounting

The Fourth Judicial District Court follows these procedures in establishing the budgetary data reflected in the financial statements:

1. No later than September 1, the Fourth Judicial District Court submits to the Judicial Budget Office (JBO), the Legislative Finance Committee (LFC) and the Department of Finance and Administration an appropriation request for the fiscal year commencing the following July. The appropriation includes proposed expenditures and the means of financing them.

STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
NOTES TO FINANCIAL STATEMENTS
June 30, 2009

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

D. Budgets and Budgetary Accounting (Continued)

2. Appropriation request hearings are scheduled by the JBO. Recommendations are made by the JBO to the Supreme Court for their approval. The Supreme Court approved appropriation request is then submitted to the Legislature as the Supreme Court's recommended appropriation request for the Fourth District.
3. Budget hearings are scheduled before the New Mexico House Appropriations and Senate Finance Committees. The final outcome of these hearings is incorporated into the General Appropriations Act.
4. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit.
5. The Fourth Judicial District Court submits, no later than May 1, to DFA an annual operating budget by category and line item based upon the appropriations made by the Legislature. The DFA - Budget Division reviews and approves the operating budget, which becomes effective in July. All subsequent budget adjustments must be approved by the JBO and the director of the DFA - Budget Division. The current year budget was revised in a legal manner.
6. Legal budget control for expenditures is by category.
7. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund.
8. The budget for this State Agency is adopted on the modified accrual basis of accounting except for the accounts payable accrued at the end of the fiscal year that do not get paid by the statutory deadline (Section 6-10-4 NMSA 1978), that must be paid out of the next year's budget.
9. Appropriations lapse at the end of the fiscal year unless specifically re-appropriated by the Legislature. Unexpended amounts within the General Fund revert to the State General Fund.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

E. Compensated Absences Payable

Vacation and sick leave earned and not taken is cumulative; however, upon termination of employment, sick pay for such leave hours accumulated up to 600 hours is forfeited, and vacation pay is limited to payment of 240 hours. Vacation leave up to the maximum of 240 hours is payable upon separation from service at the employee's current hourly rate. Sick leave is payable annually to qualified employees for hours accumulated above 600 hours at a rate equal to 50 percent of their hourly rate, not to exceed 120 hours each period. Upon retirement, payment for sick leave is limited to 400 hours accumulated in excess of 600 hours at the 50 percent hourly rate. Accrued vacation and sick leave pay are recorded as a liability and as an increase or decrease in expenses in the Government-Wide financial statements. Qualified employees accumulate annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned Per Month</u>
1 month - 3 yrs	10
Over 3 - 7 yrs	12
Over 7 - 14 yrs	14
Over 14 yrs - beyond	16

The maximum accrued annual leave may be carried forward into the beginning of the next calendar year and any excess is lost.

In addition, the Fourth District Court allows FLSA non-exempt employees to accumulate compensatory leave in certain approved circumstances. Compensatory leave may be carried forward into the next calendar year and any unused portion is paid at termination to non-exempt employees under the Federal Labor Standards Act.

F. 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.

G. Inter-fund Activity

Inter-fund transactions are treated as transfers. Transfers between governmental funds are netted as part of the reconciliation to the government-wide financial statements.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

H. Program Revenues

Program revenues consist of charges for tapes and copies of court proceedings. The Court also collects fees from general docket cases to finance a mediation alternative to legal resolution of domestic disputes. Fees are deposited to the Mediation Fund.

(2) COLLATERAL PLEDGED BY FINANCIAL INSTITUTIONS

Section 6-10-17, NMSA 1978 compilation requires that banks or savings and loans provide additional collateral on funds held that exceed the FDIC insurance limit. These excess funds are required to be fifty percent collateralized.

(3) CASH AND CASH EQUIVALENTS

Cash and cash equivalents at year end are classified as follows:

	<u>Bank Balance</u>	<u>Book Balance</u>
Governmental Funds:		
Investment in State General Fund Investment Pool	\$ 108,988	\$ 108,988
Agency Funds:		
Cash in Bank:		
Wells Fargo Bank	\$ 10,982	\$ 10,982
Bank of Las Vegas	461,525	461,125
Total cash in bank	472,507	\$ 472,107
Less: FDIC insurance	260,982	
Total uninsured public funds	\$ 211,525	

The \$211,525 of uninsured public funds is held at Bank of Las Vegas. The collateral pledged by Bank of Las Vegas is as follows:

<u>Security</u>	<u>CUSIP#</u>	<u>Maturity</u>	<u>Market Value</u>
U.S. Treasury 4% Note	912828DR8	4/15/2010	514,355
Total			\$ 514,355

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(3) CASH AND CASH EQUIVALENTS (Continued)

Custodial Credit Risk-Deposit

Custodial Credit Risk is the risk that in the event of a bank failure, the Court's deposits may not be returned. The Court does not have a policy for custodial credit risk. As of June 30, 2009, \$211,525 of the Court's agency fund bank balance totaling \$472,107 was exposed to custodial credit risk as follows:

Uninsured and collateral held by the pledging bank not in the name of the Court or the State of New Mexico: \$211,525

(4) CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2009 was as follows:

	Balance June 30, 2008	Additions	Deletions	Balance June 30, 2009
Depreciable				
Library	\$ 255,052	\$ -0-	\$ -0-	\$ 255,052
Machinery & equipment	152,433	-0-	-0-	152,433
Software	58,089	-0-	-0-	58,089
Vehicles	103,878	-0-	-0-	103,878
Total	<u>569,452</u>	<u>\$ -0-</u>	<u>-0-</u>	<u>569,452</u>
Accumulated Depreciation:				
Library	(255,052)	-0-	-0-	(255,052)
Machinery & equipment	(69,059)	(14,896)	-0-	(83,955)
Software	(23,627)	(10,721)	-0-	(34,348)
Vehicles	(47,272)	(9,687)	-0-	(56,959)
Total	<u>(395,010)</u>	<u>(35,304)</u>	<u>-0-</u>	<u>(430,314)</u>
Total (Net Asset)	<u>\$ 174,442</u>	<u>\$ (35,304)</u>	<u>\$ -0-</u>	<u>\$ 139,138</u>

Current year depreciation expense is \$35,304.

(5) DUE TO STATE GENERAL FUND

The Due to State General Fund in the Statement of Net Assets includes \$4,496 in fiscal year 2009 reversion that will be remitted to the State General Fund (SHARE Account 85300).

(6) DUE FROM OTHER STATE AGENCIES

The Due from Other State Agencies in the Statement of Net Assets includes an \$8,000 reimbursement from the Administrative Office of the Courts (SHARE Account 21800) for drug court expenditures incurred before fiscal year-end.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(7) COMPENSATED ABSENCES

The following is a summary of changes in compensated absences:

	Beginning Balance	Additions	Deletions	Ending Balance	Due within One Year
Annual Leave	\$ 64,146	\$ 81,057	\$ 74,232	\$ 70,971	\$ 59,110
Sick Leave	-0-	-0-	-0-	-0-	-0-
Total	<u>\$ 64,146</u>	<u>\$ 81,057</u>	<u>\$ 74,232</u>	<u>\$ 70,971</u>	<u>\$ 59,110</u>

The Court general fund resources have been used to liquidate accrued compensated absences in the past. The Court had no other debt activity during the year.

(8) OPERATING LEASES

The Court leases office equipment under operating leases with third party vendors. The contracts for lease include annual non-appropriation clauses that can terminate the respective leases. Lease expense under these leases amounted to \$25,999 for the year ending June 30, 2009. Annual future minimum lease payments are as follows:

June 30, 2010	25,989
June 30, 2011	25,989
June 30, 2012	24,992
June 30, 2013	20,804
June 30, 2014	- 0 -
Total	<u>\$ 97,774</u>

(9) PERA RETIREMENT PLAN

Plan Description

Substantially all of the Fourth Judicial District Court's full-time employees participate in a public employee retirement system authorized under the Public Employees Retirement Act (Chapter 10, Article 11, NMSA 1978). The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retirement benefits, disability benefits, survivor benefits and cost-of-living adjustments to plan member and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information for the plan. That report may be obtained by writing to PERA, P.O. Box 2123, Santa Fe, NM 87504-2123. The report is also available on the PERA's website at www.pera.state.nm.us.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(10) PERA RETIREMENT PLAN (Continued)

Funding Policy

Plan members are required to contribute 7.42% of their gross salary. The Fourth Judicial District Court is required to contribute 16.59% of the gross covered salary. The contribution requirements of plan members and the Fourth Judicial District Court are established in State statute under Chapter 10, Article 11 NMSA 1978. The requirements may be amended by acts of the legislature. The Fourth Judicial District Court's contributions to PERA for the years ending June 30, 2009, 2008 and 2007 were \$167,753, \$152,735, and \$120,847, respectively, which equal the amount of the required contributions for each year.

(11) JRA RETIREMENT PLAN

Substantially all of the Fourth Judicial District Court's Judges or Justices participate in a public employee retirement system authorized under the Judicial Retirement Act. The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retirement, disability benefits and cost-of-living adjustments to plan members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to PERA, P.O. Box 2123, Santa Fe, NM 87504-2123. The report is also available on PERA's website at www.pera.state.nm.us.

Funding Policy

Plan members are required to contribute 7.5% of their gross salary. The Fourth Judicial District Court is required to contribute 12% of the gross covered salary. The Fourth Judicial District Court's contributions to JRA for the years ending June 30, 2009, 2008, and 2007 were \$33,857, \$38,307, and \$25,067, respectively, equal to the amount of the required contributions for each year.

In addition to the above, the Court remits \$38 of each filing fee collected by the Court into the Judicial Retirement Act plan as required by Section 10-12B-11, NMSA 1978. These fees are remitted directly to PERA and are not included within the accompanying financial statements. The Court remitted \$34,854 in filing fees for the years ending June 30, 2009.

(12) DEFERRED COMPENSATION

The State of New Mexico offers state, local government and school district employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan available to all State employees and those local government and school district employees whose employers have elected participation in the plan permits participants to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(12) DEFERRED COMPENSATION (Continued)

There are employees that are making contributions to a Deferred Compensation Plan. Neither the Fourth Judicial District Court nor the State of New Mexico makes any contributions to the Deferred Compensation Plan. All contributions withheld from participants by the Fourth Judicial District Court have been paid to the New Mexico Public Employee's Retirement Association, which administers the plan.

(13) RETIREE HEALTH CARE ACT CONTRIBUTION

Plan Description

The Fourth Judicial District Court contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit post-employment healthcare plan administered by the New Mexico Retiree Health Care Authority (RHCA). The RHCA provides health care insurance and prescription drug benefits to retired employees of participating New Mexico government agencies, their spouses, dependents, and surviving spouses and dependents. The RHCA Board was established by the Retiree Health Care Act (Chapter 10, Article 7C, NMSA 1978). The Board is responsible for establishing and amending benefit provisions of the healthcare plan and is also authorized to designate optional and/or voluntary benefits like dental, vision, supplemental life insurance, and long-term care policies.

Eligible retirees are: (1) retirees who make contributions to the fund for at least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the RHCA plan on the person's behalf, unless that person retires before the employers RHCA effective date, in which event, the time period required for employee and employer contributions shall become the period of time between the employer's effective date and the date of retirement; (2) retirees defined by the Act who retired prior to July 1, 1990; (3) former legislators who served at least two years; and (4) former governing authority members who served at least four years.

The RHCA issues a publicly available stand-alone financial report that includes financial statements and required supplementary information for the post-employment healthcare plan. That report and further information can be obtained by writing to the Retiree Health Care Authority at 4308 Carlisle NE, Suite 104, Albuquerque, NM 87107.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(13) RETIREE HEALTH CARE ACT CONTRIBUTION (Continued)

Funding Policy

The Retiree Health Care Act (Section 10-7C-13 NMSA 1978) authorized the RHCA Board to establish the monthly premium contributions that retirees are required to pay for healthcare benefits. Each participating retiree pays a monthly premium according to a service based subsidy rate schedule for the medical plus basic life plan plus an additional participation fee of five dollars if the eligible participant retired prior to the employer's RHCA effective date or is a former legislator or former governing authority member. Former legislators and governing authority members are required to pay 100% of the insurance premium to cover their claims and the administrative expenses of the plan. The monthly premium rate schedule can be obtained from the RHCA or viewed on their website at www.nmrhca.state.nm.us.

The Retiree Health Care Act (Section 10-7C-15 NMSA 1978) is the statutory authority that establishes the required contributions of participating employers and their employees. The statute requires each participating employer to contribute 1.3% of each participating employee's annual salary; each participating employee is required to contribute .65% of their salary. Employers joining the program after 1/1/98 are also required to make a surplus-amount contribution to the RHCA based on one of two formulas at agreed upon intervals.

The RHCA plan is financed on a pay-as-you-go basis. The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the contributions can be changed by the New Mexico State Legislature.

The Fourth Judicial District Court's contributions to the RHCA for fiscal years ended June 30, 2009, 2008 and 2007 were \$15,032, \$15,281 and \$11,975, respectively, which equal the required contributions for each year.

(14) RISKS OF LOSS

The Court obtains coverage through Risk Management Division of the State of New Mexico General Services Department. This coverage includes liability and civil rights, property, vehicle, employer bond, workers' compensation, group insurance and state unemployment. These coverages are designed to satisfy the requirements of the State Tort Claims Act. All employees of the Court are covered by a blanket fidelity bond of a \$5,000,000 coverage limit with a \$1,000 deductible per occurrence by the State of New Mexico for the period July 1, 2008 through June 30, 2009.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**NOTES TO FINANCIAL STATEMENTS
June 30, 2009**

(15) POSTAGE INVENTORY

As of June 30, 2009, the court had a balance of postage inventory deemed significant to the fund financial statements. The inventory was reported as an asset on both the government-wide and fund financial statements. The inventory was offset by an equal amount of fund balance reserve on the fund financial statements, which indicates they are unavailable for appropriation even though they are a component of reported assets.

(15) DUE FROM OTHER STATE AGENCIES

The Administrative Office of the Courts owes the Fourth Judicial District Court \$8,000 as part of a total transfer of \$30,000 for the fiscal year to provide for the Court's share of the CASA program per laws of 2008 Chapter 3, Section 4. The money comes from the Administrative Office of the Courts SHARE fund #13900

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
AGENCY FUND**

For the Year Ended June 30, 2009

	Beginning Balance	Additions	Deletions	Ending Balance
ASSETS				
Cash in Bank:				
State Treasurer Account	\$ 162	142,776	142,937	1
Trust Accounts	484,058	332,971	344,923	472,106
	<u>484,220</u>	<u>475,747</u>	<u>487,860</u>	<u>472,107</u>
LIABILITIES				
Due to Litigants	484,058	332,971	344,923	472,106
Due to Other Agencies	-			-
Due to State General Fund	162	118,659	118,820	1
Due to Court General Fund	-	17,997	17,997	-
Due to Mediation Fund	-	6,120	6,120	-
	<u>\$ 484,220</u>	<u>475,747</u>	<u>487,860</u>	<u>472,107</u>

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT
SCHEDULE OF OPERATING TRANSFERS
For the Year Ended June 30, 2009**

SHARE FUND	TITLE	TRANSFER	
		In	Out
(1) 85300	Department of Finance & Administration	\$ 2,196,300	\$ -
(2) 85300	Department of Finance & Administration	38,400	-
(3) 13900	Administrative Office of the Courts	30,000	-
Total		<u>\$ 2,264,700</u>	<u>\$ -</u>

- (1) General Fund Appropriation, Laws of 2008, Chapter 3, Section 4(B)(4)
- (2) Compensation Package, Laws of 2008, Chapter 3, Section 8(A)(2)
- (3) CASA Program Appropriation, Laws of 2008, Chapter 3, Section 4

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

SCHEDULE OF CASH ACCOUNTS

June 30, 2009

GENERAL FUND		<u>Account Number</u>	<u>Bank Balance</u>	<u>Financial Statement Balance</u>
Investment in State General Fund Investment Pool	Checking	14400		<u>\$102,558</u>
 SPECIAL REVENUE FUND				
Investment in State General Fund Investment Pool	Checking	65000		<u>6,430</u>
 AGENCY FUND				
Wells Farge Bank of New Mexico N.A.				
Administrative Trust - Guadalupe County	Checking	240-1233213	\$ 10,982	10,982
Savings Account - Guadalupe County	Savings	240-1020304	-	-
State Treasurer Account - Guadalupe County	Checking	240-7250513	-	-
Total Wells Fargo Bank			<u>10,982</u>	<u>10,982</u>
 Bank of Las Vegas				
Administrative Trust - San Miguel County	Checking	7960204	78,906	78,506
State Treasurer Account - San Miguel & Mora	Checking	7960999	-	-
Administrative Trust - Mora County	Checking	7960115	38,223	38,223
Savings Account - San Miguel & Mora	Savings	4205316	344,396	344,396
Total Bank of Las Vegas			<u>461,525</u>	<u>461,125</u>
TOTAL AGENCY FUND			<u>\$472,507</u>	<u>472,107</u>

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**Schedule of Memorandum of Understanding
(Schedule 1)**

June 30, 2009

- a. Participants: The Fourth and Ninth Judicial District Courts
- b. Responsible party for operations: The Fourth Judicial District Court
- c. Description: Agreement to reimburse the Fourth Judicial District Court for personnel costs related to a single employee working for both district courts simultaneously.
- d. Beginning and ending dates of agreement: September 22, 2008 to January 16, 2009.
- e. Total estimated amount of project is \$25,718, and the Ninth Judicial District Court will contribute 50%, or \$12,826.
- f. The Fourth Judicial District Court contributed 50%, or \$12,826 towards this agreement.
- g. The Fourth Judicial District Court has audit responsibility.
- h. The Fourth Judicial District Court is the fiscal agent.
- i. The Fourth Judicial District Court reports all revenues and expenditures.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**Schedule of Memorandum of Understanding
(Schedule 2)**

June 30, 2009

- a. Participants: The Fourth Judicial District Court and Administrative Office of the Courts (AOC)
- b. Responsible party for operations: The Fourth Judicial District Court
- c. Description: Agreement to reimburse the Fourth Judicial District Court for expenses incurred in support of their Adult Drug Court program by the AOC via a Congressionally Mandated Award through the Office of Justice Programs (OJP)
- d. Beginning and ending dates of agreement: October 1, 2008 to December 31, 2009.
- e. Total estimated amount of project is \$11,417, of which AOC will contribute 100%, or \$11,417.
- f. The Fourth Judicial District Court made no contribution in the current fiscal year.
- g. The Fourth Judicial District Court has audit responsibility.
- h. The Fourth Judicial District Court is the fiscal agent.
- i. The Fourth Judicial District Court reports all revenues and expenditures.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

**Schedule of Memorandum of Understanding
(Schedule 3)**

June 30, 2009

- a. Participants: The Fourth Judicial District Court and San Miguel County
- b. Responsible party for operations: The Fourth Judicial District Court
- c. Description: Agreement to reimburse San Miguel County for redesign and construction of the security workstation in the Fourth Judicial District Courthouse facility
- d. Beginning and ending dates of agreement: October 1, 2008 to June 30, 2010.
- e. Total estimated amount of project is \$133,316, of which the Administrative Office of the Courts (AOC) will contribute 100%.
- f. The Fourth Judicial District Court made no contribution in the current fiscal year.
- g. The Administrative Office of the Courts has audit responsibility.
- h. The Administrative Office of the Courts is the fiscal agent.
- i. The Administrative Office of the Courts reports all revenues and expenditures.

Zlotnick, Laws & Sandoval, P.C.

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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Hector H. Balderas
New Mexico State Auditor
and
Honorable Matthew J. Sandoval – Presiding Judge
Fourth Judicial District Court
Las Vegas, New Mexico

We have audited the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of the Fourth Judicial District Court (Court), as of and for the year ended June 30, 2009, which collectively comprise the Court's basic financial statements and have issued our report thereon dated November 25, 2009. 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 Court's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Court's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Court's internal control over financial reporting.

Our consideration of the internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Courts ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Court's financial statements that is more than inconsequential will not be prevented or detected by the Court's internal control. We consider the deficiency described in the accompanying schedule of findings and responses as finding 08-1 to be a significant deficiency in internal control over financial reporting.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the agency's internal control.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. We believe that finding 08-1, described above as a significant deficiency, is a material weakness.

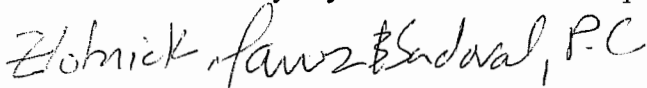
Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Court'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.

The Court's responses to the findings identified in our audit are described in the accompanying schedule of findings and responses. We did not audit the Court's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, others within the Court, the State Auditor, the New Mexico Department of Finance and Administration, the New Mexico Legislature, and applicable federal grantors, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



Zlotnick, Laws & Sandoval, P.C.

November 25, 2009

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

Schedule of Findings and Responses

June 30, 2009

CONTROLS OVER FINANCIAL REPORTING

08-01

Condition:

The Court did not have controls over the period-end financial reporting process designed to identify and account for nonroutine and nonsystematic transactions in order prepare the financial statements and footnotes in accordance with generally accepted accounting principles.

Criteria:

SAS 112 requires that the Court have proper controls over the preparation of the financial statements and footnote disclosures, which would prevent or detect a misstatement, including processes and controls to identify and account for nonroutine and nonsystematic transactions.

Cause:

The Courts controls over the reliability of financial reporting failed to identify and report material, nonroutine transactions on the financial statements.

Effect:

The auditor proposed an adjustment to the financial statements to include and report the transactions and its effects on the financial statements.

Recommendation:

The Court must include in its internal control procedures over financial statement preparation a process to identify and reliably report nonroutine and nonsystematic transactions and to understand how they affect financial statement presentation and footnote disclosures.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

Schedule of Findings and Responses

June 30, 2009

CONTROLS OVER FINANCIAL REPORTING (continued)

08-01

Agency Response:

The Court will continue to review and refine its internal control processes.

Auditor Response:

According to SAS 112 “Internal control is a process – effected by those charged with governance, management, and other personnel – designed to provide reasonable assurance about the achievement of the entity’s objectives with regard to reliability of financial reporting...” While the court displays a high level of competence over the financial reporting process they still need to develop and incorporate processes to mitigate the risks of material misstatements which may occur as a result of the existence nonroutine and nonsystematic transactions, or any other area identified in SAS 112 as at least a significant deficiency in internal control, and to help court personnel broaden their understanding of generally accepted accounting principles.

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

STATUS OF PRIOR YEAR FINDINGS

June 30, 2009

Condition

Current year status

Controls Over Financial Reporting 08-1

Revised and Repeated

**STATE OF NEW MEXICO
FOURTH JUDICIAL DISTRICT COURT**

EXIT CONFERENCE

June 30, 2009

The contents of this report were discussed at an exit conference held December 1, 2009. Asa Laws and Brian Laws represented Zlotnick, Laws & Sandoval, P.C. The Fourth Judicial District court was represented by the Honorable Matthew J. Sandoval, Presiding Judge, Frederick A. Sena, Court Executive Officer and Jeff Romero, Financial Specialist Senior.