Financial Statements and Schedules With Independent Auditors Report Thereon

For the Fiscal Year Ended June 30, 2015

### June 30, 2015

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# June 30, 2015

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June 30, 2015

**Official Roster** 

Attorney

Richard D. Flores

**Administrative Officials** 

Mary Lou Umbarger, Office Manager

Karla Martinez, Chief Financial Officer





#### **Independent Auditor's Report**

Timothy Keller
New Mexico State Auditor
and
Richard D. Flores, District Attorney
Office of the District Attorney, Fourth Judicial District
Las Vegas, New Mexico

#### **Report on Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the major fund, and the budgetary comparisons for the general fund of the State of New Mexico Office of the Fourth Judicial District Attorney (Office), as of and for the year ended June 30, 2015, and the related notes to the financial statements which collectively comprise the Office's basic financial statements as listed in the table of contents. We also have audited the financial statements of the Office's fiduciary fund in the accompanying fund financial statements as of and for the year ended June 30, 2015, as listed in the table of contents.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

#### **Auditor's Responsibility**

Our responsibility is to express opinions 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 from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not

for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Office, as of June 30, 2015, and the respective changes in financial position and the respective budgetary comparisons for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America. In addition, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the fiduciary fund of the Office as of June 30, 2015, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### **Other Matters**

#### Required Supplementary Information

The Office has omitted Management's Discussion and Analysis which is required to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

#### Other Information

Our audit was conducted for the purpose of forming opinions on the Office's financial statements, the individual fund financial statements, and the budgetary comparisons. The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other

additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

The Schedule of Vendor Information listed under the "Compliance Section" in the table of contents has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

#### Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 09, 2015 on our consideration of the Office'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* in considering the Office's internal control over financial reporting and compliance.

Zlotnick, Laws & Sandoval, PC

Zlomick flows \$ Sudoval, P.C

November 09, 2015

### June 30, 2015

### **Statement of Net Position**

	Governmental Activities	
ASSETS		
Current assets:		
Investment in State General Fund Investment Pool	\$	276,296
Travel advance		2,674
Supplies inventory		21,431
Total current assets		300,401
Noncurrent assets:		
Capital assets, net		273,317
TOTAL ASSETS	\$	573,718
LIABILITIES		
Current liabilities:		
Accounts payable	\$	100,644
Accrued payroll		71,107
Due to State General Fund		888
Accrued compensated absences		95,347
Total current liabilities		267,986
Noncurrent liabilities:		
Accrued compensated absences		26,632
Total liabilities		294,618
NET POSITION		
Net investment in capital assets		273,317
Unrestricted (deficit)		5,783
Total net Position		279,100
TOTAL LIABILITIES AND NET POSITION	\$	573,718

### For the Year Ended June 30, 2015

#### **Statement of Activities**

	Governmental Activities		
Program Expenses:			
Judicial:			
Administrative services	\$	3,067,746	
Depreciation expense		54,758	
Total Expenses	3,122,504		
Program Revenues			
Net program expenses		3,122,504	
General Revenues and Transfers:			
State General Fund appropriations		3,122,400	
Other Financing Sources		57,300	
Reversion to State General Fund - FY15		(888)	
		3,178,812	
Change in net position		56,308	
Net position, beginning of year		222,792	
Net position, end of year	\$	279,100	

### June 30, 2015

### **Balance Sheet – Governmental Fund**

	General Fund	
ASSETS		
Current Assets:		
Investment in State General Fund Investment Pool	\$	276,296
Travel advance		2,674
Supplies inventory		21,431
TOTAL ASSETS	\$	300,401
LIABILITIES AND FUND BALANCES		
Current Liabilities:		
Accounts payable	\$	100,644
Accrued payroll		71,107
Due to State General Fund		888
Total liabilities		172,639
FUND BALANCES		
Nonspendable: Supplies inventory		21,431
Assigned to future year's expenditures (Note 7)		106,331
Total fund balances		127,762
TOTAL LIABILITIES AND FUND BALANCES	\$	300,401

### June 30, 2015

# Reconciliation of Balance Sheet To The Statement of Net Position - Governmental Fund

Total fund balance - total governmental funds	\$ 127,762
Amounts reported for governmental activities on the Statement of Net Position are different because:	
Capital assets used in governmental activities are not financial resources, and therefore are not reported on the balance sheet	
Capital assets, net	273,317
Some liabilities are not due and payable in the current period, and therefore are not reported on the balance sheet.	
Compensated absences	 (121,979)
Net Position of governmental activities	\$ 279,100

### For the Year Ended June 30, 2015

# **Statement of Revenues, Expenditures and Changes in Fund Balance - Governmental Fund**

	General Fund	
REVENUES	\$ -	
EXPENDITURES		
Current:		
Personal services & benefits	2,681,457	
Contract services	34,876	
Other costs	336,674	
Capital Outlay	125,805	
Total Expenditures	3,178,812	
Excess (deficiency) of revenues over expenditures	(3,178,812)	
OTHER FINANCING SOURCES/(USES)		
Transfers In:		
State appropriation	3,122,400	
Other Financing Sources	57,300	
Transfers Out:		
Reversion to State General Fund - FY15	(888)	
Total other financing sources (uses)	3,178,812	
Net change in fund balances	-	
Fund balances, beginning of year	126,453	
Increase in reserve for supplies inventory	1,309	
Fund balances, end of year	\$ 127,762	

### For the Year Ended June 30, 2015

# Reconciliation of the Change in Fund Balance of the Governmental Fund to the Statement Of Activities

Net change in fund balances - total governmental funds		\$ -
Amounts reported for governmental activities on the Statement of Revenues, Expenditures, and Changes in Fund Balances 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. During the year ended June 30, 2013 these amounts were as follows:		
Capital outlay	125,805	
Loss on disposal of asset	(6,032)	
Depreciation expense	(54,758)	
Excess of capital outlay and gain on disposition		
over depreciation expense		65,015
Change in Supplies Inventory		1,309
Expenses recognized on Statement of Activities not reported on		
the Statement of Revenues, Expenditures, and Changes in Fund Balances:		
Change in compensated absences (increase)	-	(10,016)
Change in net position of governmental activities	<u>-</u>	\$ 56,308

### For the Year Ended June 30, 2015

# Statement of Revenues and Expenditures Budget and Actual (Budgetary Basis) Governmental Funds - General Fund

					Varia	ince with
				Actual Amounts	Fina	l Budget
		Budgeted	Amounts	(Budgetary	Po	ositive
		Original	Final	Basis)	(Ne	egative)
REVENUES						
State General Fund appropriations	\$ 3	3,122,400	3,122,400	3,122,400	\$	-
Other financing sources		57,300	57,300	57,300		-
Program Revenue		-				_
Total Revenues		3,179,700	3,179,700	3,179,700	\$	-
Fund Balance		-				
	\$ 3	3,179,700	3,179,700			
EXPENDITURES						
Personnel services & employee benefits	\$ 2	2,993,100	2,681,500	2,681,457	\$	43
Contractual services		29,900	34,900	34,876		24
Other costs		156,700	463,300	462,479		821
Total Expenditures	\$ 3	3,179,700	3,179,700	3,178,812	\$	888

### June 30, 2015

# Statement of Fiduciary Assets and Liabilities – Agency Fund

	Agency Fund	
ASSETS		
Cash and cash equivalents	\$	2,761
TOTAL ASSETS	\$	2,761
LIABILITIES		
Due to other State agencies Assets held for others	\$	805 1,956
TOTAL LIABILITIES	\$	2,761

June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### Financial Reporting Entity

The Office of the District Attorney, Fourth Judicial District (Office) operates under Article 6 Section 24, NMSA 1978 Compilation. The District Attorney is elected to a four-year term. The Office provides law enforcement as its primary service as defined in Section 36-1-1 through 36-1-26 NMSA, 1978, as amended. The Office serves San Miguel, Mora and Guadalupe counties. Financing of the Office is by state appropriation.

The Office is a component unit of the Judicial branch and these financial statements include all funds and activities over which the Office has oversight responsibility. The Office has decision-making authority, the power to designate management, the responsibility to significantly influence operations, and primary accountability for fiscal matters. The Office 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 Office has no component units that are required to be reported in its financial statements.

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

#### A. Basis of Accounting

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.

#### Government-Wide Financial Statements

The statement of Net Position and the statement of activities display information about the Office, 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 Office 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.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### A. Basis of Accounting – Fund Accounting

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 assets used. Revenues, expenses, gains, losses, assets, deferred outflows of resources, liabilities and deferred inflows of resources resulting from exchange-like transactions are recognized when the exchange takes place.

#### Fund Financial Statements

The governmental fund statements are presented on a 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 sixty days of year-end 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 Office's actual experience conforms to the budget or fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements, reconciliations are presented on the page following each statement, which briefly explain the adjustment necessary to transform the fund based financial statements into the government-wide presentation.

The Office's fiduciary fund (agency funds) is presented in the fund financial statements. The agency fund is presented on 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 statements.

When an expense is incurred for purposes for which both restricted and unrestricted Net Position are available, the Office first uses restricted resources then unrestricted resources.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### A. Basis of Accounting – Fund Accounting (Continued)

#### Fund Financial Statements (continued)

The accounts of the Office 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, deferred outflows of resources, liabilities, deferred inflows of resources, 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 Office:

#### Governmental Fund Types

General Fund - The General Fund is the general operating fund of the Office and accounts for all revenues and expenditures of the Office not encompassed within other funds. Any unexpended balance remaining in this fund at the end of the fiscal year reverts to the General Fund of the State of New Mexico. The SHARE number and description of the General Fund of the Office is #15800 - Fourth Judicial District Attorney.

#### Fiduciary Fund Types

Agency Funds - Agency Funds are used to account for assets held by the Office 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.

This fund is used to account for proceeds received from reimbursement of costs, processing fees, worthless check collection and restitution.

#### B. Assets, Liabilities and Equity

#### Cash, cash equivalents, and investments

The Office's cash and cash equivalents are demand deposits. Deposits are non-interest bearing. The carrying value of such deposits is shown in Note 2. All governmental funds allotted to the Office are held on deposit with the State Treasurer and invested in the State Treasurer General Fund Investment Pool. Note 2 describes the carrying value of the investment. The State Treasurer issues separate financial statements which disclose the collateral pledged to secure these deposits.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### B. Basis of Accounting – Fund Accounting (Continued)

#### **Supplies Inventory**

Supplies inventory consists of non-resale paper, postage, and office supplies. Supplies 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. The supplies inventory is offset by the nonspendable fund balance classification on the fund financial statements, which indicates they are unavailable for appropriation even though they are a component of reported assets. The inventory is valued at historical cost.

#### 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 is depreciated. The Office has no internally developed software.

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:

Machinery & equipment	6 years
Furniture & fixtures	7 years
Data processing equipment & software	3 years
Vehicles	5 years

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.

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.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### B. Basis of Accounting – Fund Accounting (Continued)

#### **Long-Term Liabilities**

The Office'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.

#### **Compensated Absences**

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 semiannually 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 semiannual period. Upon retirement, payment for sick leave is limited to 120 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 expenditure on the Government-Wide financial statements. In the fund financial statements, governmental funds report only the compensated absences liability payable from expendable available financial resources.

Qualified employees accumulate annual leave as follows:

Years	Hours Earned
of Service	Per Month
Less than 4 years	10
4-7 years	11
8 – 11 years	12
12 – 15 years	13
16 years or more	14

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

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### B. Basis of Accounting – Fund Accounting (Continued)

#### Compensated Absences

In addition, the Office 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.

#### **Equity**

#### Government-wide Statements

Equity is classified as Net Position and displayed in three components:

- 1. Invested in capital assets, net of related debt, consists of capital assets net of accumulated depreciation and reduced by any outstanding debt. The Office has no outstanding debt relating to capital assets.
- 2. Restricted Net Position, consists of resources 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 Position are all other resources that do not meet the definition of "restricted" or "invested in capital assets, net of related debt". 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 balances are further classified as:

<u>Nonspendable</u>: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact.

<u>Restricted</u>: This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### B. Basis of Accounting – Fund Accounting (Continued)

Fund Financial Statements (continued)

<u>Committed</u>: This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Office's administrative authority (or the District Attorney). These amounts cannot be used for any other purpose unless the District Attorney removes or changes the specified use by taking the same type of action that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements.

<u>Assigned</u>: This classification includes amounts that are constrained by the Office's intent to be used for a specific purpose but are neither restricted nor committed. This intent can be expressed by the Office's administrative authority or through the Office delegating this responsibility to the Office's management through the budgetary process. This classification also includes the remaining positive fund balance for all governmental funds except for the General Fund.

<u>Unassigned</u>: This classification includes the residual fund balance for the General Fund, or, in other words, all amounts not included in other spendable classifications.

The Office would typically use restricted fund balances first, followed by committed resources, and then assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend unassigned resources first to defer the use of these other classified funds.

#### C. Budgets and Budgetary Accounting

The Office follows these procedures in establishing the budgetary data reflected in the financial statements:

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

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### C. <u>Budgets and Budgetary Accounting (continued)</u>

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. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit.

The Office 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 Director of the DFA - Budget Division. The current year budget was revised in a legal manner.

Legal budget control for expenditures and encumbrances is by category.

Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund.

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), and must be paid out of the next year's budget.

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.

#### **D.** 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.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (2) CASH AND CASH EQUIVALENTS

At June 30, 2015, cash consisted of the following:

	Bank	Book
	Balance	Balance
Governmental Funds:		
Investment in the State General Fund		
Investment Pool, fund 15800	\$ 276,296	\$ 276,296
Agency Funds:		
Cash in Bank: Wells Fargo Checking	\$ 2,761	\$ 2,761

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. All deposits with financial institutions were covered by FDIC insurance at June 30, 2015.

Custodial credit risk is the risk that in the event of a bank failure the Office's deposits may not be returned. The Office does not have any Custodial Credit Risk.

#### (3) INTEREST IN STATE GENERAL FUND INVESTMENT POOL

State law (Section 8-6-3 NMSA 1978) requires the Office's cash be managed by the New Mexico State Treasurer's Office. Accordingly, the investments of the Office consist of an interest in the General Fund Investment Pool managed by the New Mexico State Treasurer's Office.

At June 30, 2015 the Department had the following invested in the General Fund Investment Pool:

	Bank	Fair Market
	Balance	Value
Governmental Funds:		
Investment in the State General Fund		
Investment Pool, fund 15800	\$ 276,296	\$ 276,296

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (3) INTEREST IN STATE GENERAL FUND INVESTMENT POOL (Continued)

Interest Rate Risk - The New Mexico State Treasurer's Office has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is means of managing exposure to fair value losses arising from increasing interest rates. This policy is reviewed and approved annually by the New Mexico State Board of Finance.

Credit risk - The New Mexico State Treasurer pools are not rated.

For additional GASB 40 disclosure information regarding cash held by the New Mexico State Treasurer, the reader should see the separate audit report for the New Mexico State Treasurer's Office for the fiscal year ended June 30, 2015.

#### **General Fund Investment Pool Not Reconciled**

Compliant with statute 6-10-3 (NMSA 1978), and to optimize state cash management and investment practices, funds of various state agencies are deposited in the State General Fund Investment Pool (SGFIP). This pool is managed by the New Mexico State Treasurer's Office (STO). Claims on the SGFIP are reported as financial assets by the various agencies investing in the SGFIP.

Agency claims against the SGFIP and fiduciary resources held at STO to fulfill those claims were not reconciled from the inception of SHARE (the State's centralized accounting system), in July 2006, through January 2013, which caused uncertainty as to the validity of the claims and the ability of fiduciary resources to fulfill those claims. As a result of business process and systems configuration changes made during the Cash Management Remediation Project Phase I the Department of Finance and Administration's Financial Control division began reconciling transactional activity reported by the State's fiscal agent bank to the SHARE general ledger on a pointforward basis beginning February 1, 2013. In March 2015, the Financial Control Division implemented a reconciliation process that compares statewide agency claims against the resources held in the SGFIP at STO. This process is known as the claims to resources reconciliation. The claims to resources reconciliation process has been successfully applied to fiscal year-end 2014 and the months from January 2015 through June 2015. While work remains, the results are encouraging and the following assertions can be made:

1. The difference between statewide agency claims against the SGFIP and fiduciary resources held at STO to fulfill those claims has remained within a relatively narrow range over the periods in which the reconciliation process has been used;

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (3) INTEREST IN STATE GENERAL FUND INVESTMENT POOL (Continued)

2. Agency claims on the SGFIP will be honored in their entirety. Any adjustment necessary to the claims balance will be applied against the General Operating Reserve. No portion of the adjustment shall be allocated to any specific agency that participates in the SGFIP

Since SHARE was implemented, the Attorney recognized the statewide cash reconciliation issue and in response, developed internal reconciliation procedures to ensure that cash receipts and disbursements recorded in the SHARE system are in fact transactions that have been initiated by the Attorney. The reconciliation occurs each month and any required adjustments are forwarded to the Financial Control Division at DFA for correction. The monthly internal reconciliation of cash receipts and disbursements flowing through the Attorney's share of the state general fund investment pool provides management assurance that the balance reflected in State General Fund Investment Pool account is accurate as of the end of the reporting period. In addition, the Attorney reconciles other asset and liability accounts on the Balance Sheet of each fund type. This process also provides additional assurance that transactions affecting the Attorney's share in the State General Fund Investment Pool account are accurate.

#### (4) DUE TO STATE GENERAL FUND

The Due to State General Fund in the Statement of Net Position includes \$888 in fiscal year 2015 reversion.

June 30, 2015

#### **Notes to the Financial Statements**

#### (5) CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2015 was as follows:

	Beg	g Balance	Additions	Deletions	End Balance	
Capital Assets:						
Machinery & Equipment	\$	171,383	11,650	6,417	\$	176,616
Data Processing Equipment		66,514	-	-		66,514
Furniture & Fixtures		73,167	-	-		73,167
Vehicles		291,765	121,155	62,311		350,609
Total		602,829	132,805	68,728		666,906
Accumulated Depreciation:						
Machinery & Equipment		153,663	4,694	5,388		152,969
Data Processing Equipment		34,345	10,890	-		45,235
Furniture & Fixtures		34,078	5,743	-		39,821
Vehicles		172,441	33,431	50,308		155,564
Total		394,527	54,758	55,696		393,589
Capital Assets, net	\$	208,302	78,047	13,030	\$	273,317

Depreciation expense for the fiscal year ended June 30, 2015 was \$54,758.

#### (6) COMPENSATED ABSENCES PAYABLE

The following is a summary of changes in compensated absences:

Jun	e 30, 2014 Increase		Decrease	June 30, 2015		Due in one year	
\$	111,963	124,046	114,029	\$	121,979	\$	95,347

Office General Fund resources have been used to liquidate accrued compensated absences in the past. The Office had no other debt activity during the year.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (7) ASSIGNED FUND BALANCE

The Office's assigned fund balance is federal grant money received under the Southwest Border Initiative to pay the increased costs of prosecuting drug cases along the border. Pursuant to an agreement between the Depart of Finance and Administration and the Administrative Office of the District Attorneys this money does not revert to the State General Fund and is available to pay expenditures in future years.

#### (8) PERA RETIREMENT PLAN

Compliant with the requirements of Government Accounting Standards Board Statement No. 68, Accounting and Financial Reporting for Pensions, the State of New Mexico has implemented the standard for the fiscal year ending June 30, 2015.

The Office, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple employer defined benefit pension plan administered by the Public Employees Retirement Association (PERA). Disclosure requirements for governmental funds apply to the primary government as a whole, and as such, this information will be presented in the Component Appropriation Funds Annual Financial Report (General Fund) and the Comprehensive Annual Financial Report (CAFR) of the State of New Mexico.

Information concerning the net pension liability, pension expense, and pension-related deferred inflows and outflows of resources of the primary government will be contained in the General Fund and the CAFR and will be available, when issued, from the Office of State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, New Mexico, 87501.

#### (9) 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.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (9) **DEFERRED COMPENSATION** (continued)

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

#### (10) POST-EMPLOYMENT BENEFITS – STATE RETIREE HEALTH CARE PLAN

#### Plan Description

Plan Description. The Office contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit postemployment 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 employer's 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 postemployment 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.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (10) RETIREE HEALTH CARE ACT CONTRIBUTION (continued)

Funding Policy. The Retiree Health Care Act (Section 10-7C-13 NMSA 1978) authorizes 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 employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the employer and employee contributions can be changed by the New Mexico State Legislature. Employers that choose to become participating employers after January 1, 1998, are required to make contributions to the RHCA fund in the amount determined to be appropriate by the board.

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. For employees that were members of an enhanced retirement plan (state police and adult correctional officer member coverage plan 1; municipal police member coverage plans 3, 4 or 5; municipal fire member coverage plan 3, 4 or 5; municipal detention officer member coverage plan 1; and members pursuant to the Judicial Retirement Act) during the fiscal year ended June 30, 2015, the statutes required each participating employer to contribute 2.5% of each participating employee's annual salary; and each participating employee was required to contribute 1.25% of their salary. For employees that were not members of an enhanced retirement plan during the fiscal year ended June 30, 2015, the statute required each participating employer to contribute 2.0% of each participating employee's annual salary; each participating employee was required to contribute 1.0% of their salary. In addition, pursuant to Section 10-7C-15(G) NMSA 1978, at the first session of the Legislature following July 1, 2013, the legislature shall review and adjust the distributions pursuant to Section 7-1-6.1 NMSA 1978 and the employer and employee contributions to the authority in order to ensure the actuarial soundness of the benefits provided under the Retiree Health Care Act.

#### June 30, 2015

#### **Notes to the Financial Statements**

#### (10) RETIREE HEALTH CARE ACT CONTRIBUTION (continued)

The Fourth Judicial District Attorney's contributions to the RHCA for the years ended June 30, 2015, 2014 and 2013 were \$36,117, \$35,765 and \$36,319, respectively, which equal the required contributions for each year.

#### (11) OPERATING LEASES

The Office leases office equipment under operating leases with third party vendors. The contracts for lease include annual non-appropriation clauses which can terminate the respective leases. Lease expense under these leases amounted to \$20,524 for the year ending June 30, 2015. Annual future minimum lease payments are as follows:

2016	\$ 19,734
2017	19,734
2018	9,985
2019	-
2020	_
Total	\$ 49,453

#### (12) RISKS OF LOSS

The Office 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, and is designed to satisfy the requirements of the State Tort Claims Act. All employees of the Office 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, 2012 through June 30, 2013. The office paid \$24,322 for this coverage.

#### (13) SUBSEQUENT EVENTS

The Office has evaluated subsequent events through November 09, 2015, which is the date the financial statements were available to be issued.

#### June 30, 2015

# **Schedule of Operating Transfers**

	<b>SHARE</b>		TRANSFER				
<u>-</u>	FUND	TITLE	In		Out		
(1)	85300	Department of Finance & Administration	\$ 3,122,400	\$	-		
(2)	85300	Other Financing Sources	57,300		-		
(3)	85300	Department of Finance & Administration	-		(888)		
	Total		\$ 3,179,700	\$	(888)		

- (1) General Appropriation Act of 2014, Laws of 2014, Chapter 63, Section 4
- (2) FY 2015 Compensation Distribution
- (3) Reversion to the General Fund

See Independent Auditor's Report

June 30, 2015

# Schedule of Changes in Assets and Liabilities - Agency Fund

		Beginning				Ending	
	Balance		Additions	Deletions E		Balance	
ASSETS							
Cash and cash equivalents	\$	2,930	77,769	77,938	\$	2,761	
TOTAL ASSETS	\$	2,930	77,769	77,938	\$	2,761	
LIABILITIES							
Due to other State agencies	\$	685	8,934	8,814	\$	805	
Assets held for others		2,245	68,835	69,124		1,956	
TOTAL LIABILITIES	\$	2,930	77,769	77,938	\$	2,761	

See Independent Auditor's Report





Independent Auditor's 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* 

Timothy Keller
New Mexico State Auditor
And
Richard D. Flores, District Attorney
Office of the District Attorney, Fourth Judicial District
Las Vegas, New Mexico

We have audited in accordance with the 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, the financial statements of the governmental activities, the major fund, and the budgetary comparisons for the general fund of the State of New Mexico, Office of the District Attorney, Fourth Judicial District (Office), as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the State of New Mexico, Office of the District Attorney, Fourth Judicial District's basic financial statements and have issued our report thereon dated November 09, 2015.

#### **Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Office's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances 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 Office's internal control. Accordingly, we do not express an opinion on the effectiveness of the Office's internal control.

A *deficiency in internal control* 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 and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Office's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet is important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Office's financial statements are free from 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*.

#### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Office's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Zlotnick, Laws & Sandoval, P.C.

Zlohick florz & Sudoval, P.C

November 09, 2015

June 30, 2015

# **Schedule of Findings and Responses**

Status of Prior Year's Findings:	
None	
Current Year's Findings:	

June 30, 2015

### **Schedule of Vendor Information**

RFB#/RFP#	Type of Procureme nt	Awarded Vendor	\$ Amount of Awarded Contract	\$ Amount of Amended Contract	Name and Physical Address per the procurement documentation, of <u>ALL</u> Vendor(s) that responded	In-State/ Out-of- State Vendor (Y or N) (Based on Statutory Definition)	Was the vendor in-state and chose Veteran's preference (Y or N) For federal funds answer N/A	Brief Description of the Scope of Work
N/A								

June 30, 2015

#### **Exit Conference**

The contents of this report were discussed at an exit conference held on November 2, 2015. The following were in attendance:

Office of the Fourth Judicial District Attorney

Richard Flores, District Attorney Mary Lou Umbarger, District Office Manager Karla Martinez, Chief Financial Officer

Zlotnick, Laws & Sandoval, P.C.

Asa Laws, CPA Brian Laws, CPA

The financial statements were prepared by the auditor: Zlotnick, Laws & Sandoval, P.C. However, the financial statements are the responsibility of management.