

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT**

**FINANCIAL STATEMENTS AND SCHEDULES
WITH INDEPENDENT AUDITORS' REPORT THEREON
FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT**

TABLE OF CONTENTS

JUNE 30, 2013

INTRODUCTORY SECTION:

Official Roster iii

FINANCIAL SECTION

Independent Auditors' Report 1 – 3

BASIC FINANCIAL STATEMENTS:

Government-Wide Financial Statements:

Statement of Net Position 4

Statement of Activities 5

Fund Financial Statements:

Balance Sheet – Governmental Funds..... 6

Reconciliation of Governmental Funds Balance Sheet to the
Statement of Net Position..... 7

Statement of Revenues, Expenditures and Changes in Fund Balances –
Governmental Funds 8

Reconciliation of the Statement of Revenues, Expenditures and Changes in
Fund Balances – Governmental Funds to the Statement of Activities 9

Statement of Revenues and Expenditures – Budget (Non-GAAP Budgetary
Basis) and Actual (Non-GAAP Budgetary Basis) –
Major Governmental Funds 10

Statement of Fiduciary Assets and Liabilities – Agency Fund 11

NOTES TO FINANCIAL STATEMENTS 12 - 25

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT**

TABLE OF CONTENTS (continued)

JUNE 30, 2013

SUPPLEMENTARY INFORMATION

List of Deposits and Investments.....	27
Schedule of Changes in Assets and Liabilities – Agency Fund.....	28
Schedule of Operating Transfers.....	29

Governmental Auditing Standards Report

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <u>Government</u> <u>Auditing Standards</u>	30 - 31
---	---------

EXIT CONFERENCE	32
------------------------------	----

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT

OFFICIAL ROSTER

JUNE 30, 2013

District Attorney

Tim Rose

District Attorney

Administrative Official

Jennifer Sena

CFO

Lorenzo Emilio

Office Manager

Kubiak & Melton, LLC

CERTIFIED PUBLIC ACCOUNTANTS

Independent Auditors' Report

Hector H. Balderas
New Mexico State Auditor
Santa Fe, New Mexico

and

Tim Rose, District Attorney
Tenth Judicial District
Tucumcari, New Mexico

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities, the major fund and the budgetary comparisons, and the Agency Fund of the State of New Mexico, Office of the District Attorney, Tenth Judicial District (Office) as of and for the year ended June 30, 2013 which collectively comprises the Office's basic financial statements 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.

Auditors' 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 auditors' 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 on the Office'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 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, 2013, and respective changes in financial position 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 budgetary comparisons for the major governmental funds 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 that accounting principles generally accepted in the United States of America require 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 the 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 basic financial statements, the combining and individual fund financial statements and the budgetary comparisons. The additional schedules listed as other supplemental information in the table of contents are presented for purposes of additional analysis and are not a required part of the financial statements.

These other schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic 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 of to the basic financial statements themselves, and other additional procedures in accordance with the auditing standards generally accepted in the United States of America. In our opinion, these other schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated October 4, 2013 on our consideration of the Office's internal control over financial reporting and on our tests of its compliance with certain provision 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.

Kubiak & Melton, LLC

Kubiak & Melton, LLC
Albuquerque, New Mexico
October 4, 2013

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
STATEMENT OF NET POSITION
JUNE 30, 2013**

	<u>Governmental Activities</u>
ASSETS	
Current Assets	
Investment in State General Fund Investment Pool	\$ 37,012
Total Current Assets	<u>37,012</u>
Capital Assets, Net	<u>27,921</u>
Total Assets	<u><u>\$ 64,933</u></u>
 LIABILITIES	
Current Liabilities	
Accounts Payable	\$ 10,227
Accrued Payroll	18,447
Due to State General Fund	652
Accrued Compensated Absences	<u>22,320</u>
Total Current Liabilities	<u>51,646</u>
Noncurrent Liabilities	
Accrued Compensated Absences	<u>8,916</u>
Total Liabilities	<u>60,562</u>
 NET POSITION	
Net Investment in Capital Assets	27,921
Unrestricted	<u>(23,550)</u>
Total Net Position	<u>4,371</u>
 Total Liabilities and Net Position	 <u><u>\$ 64,933</u></u>

See Independent Auditors' Report and Notes to Financial Statements

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2013

	Governmental Activities
Program Expenses	
Administrative Services	\$ 970,456
Depreciation Expense	30,191
Total Program Expenses	1,000,647
Program Revenues	
Government Grants	6,000
Other	-
Total Program Revenues	6,000
Net Program Expense	994,647
General Revenues and Transfers	
State General Fund Appropriations	957,300
Reversion to State General Fund FY 2013	(652)
Change in Compensated Absences	8,154
Total Revenues and Transfers	964,802
Change in Net Position	(29,845)
Net Position - Beginning of Year	34,216
Net Position - End of Year	\$ 4,371

See Independent Auditors' Report and Notes to Financial Statements

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
BALANCE SHEET -
GOVERNMENTAL FUNDS
JUNE 30, 2013

	<u>General Fund 16400</u>
ASSETS	
Current Assets	
Investment in State General Fund Investment Pool	\$ 37,012
Total Assets	<u>\$ 37,012</u>
LIABILITIES AND FUND BALANCES	
Liabilities	
Accounts Payable	\$ 10,227
Accrued Payroll	18,447
Due to the State General Fund	<u>652</u>
Total Liabilities	<u>29,326</u>
FUND BALANCES	
Unassigned	<u>7,686</u>
Total Fund Balances	<u>7,686</u>
Total Liabilities and Fund Balances	<u>\$ 37,012</u>

See Independent Auditors' Report and Notes to Financial Statements

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET POSITION
JUNE 30, 2013**

Total Fund Balances for Governmental Funds \$ 7,686

Amounts reported for governmental activities in the statement of net assets are different as follows:

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

Capital Assets, Net 27,921

Some liabilities are not due and payable in the current period and therefore are not reported in the funds. These liabilities consist of:

Compensated Absences (31,236)

Net Position of Governmental Activities **\$ 4,371**

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013

	General Fund 16400
REVENUES	
Government Grants	\$ 6,000
Other	-
Total Revenues	6,000
EXPENDITURES	
Administrative Services	
Personal Services & Benefits	850,122
Contract Services	11,326
Other Costs	109,008
Capital Outlay	-
Total Expenditures	970,456
Excess (Deficiency) of Revenues over Expenditures	(964,456)
OTHER FINANCING SOURCES AND (USES)	
Transfers In	
General Fund Appropriations	957,300
Transfers Out	
Reversion to the State General Fund - FY 2013	(652)
Total Other Financing Sources and (Uses)	956,648
Net Change in Fund Balances	(7,808)
Fund Balances, Beginning	15,494
Fund Balances, Ending	\$ 7,686

See Independent Auditors' Report and Notes to Financial Statements

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
RECONCILIATION OF THE CHANGE IN FUND BALANCE OF THE GOVERNMENTAL
FUND TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2013

Net Change in Fund Balances - Total Governmental Funds \$ (7,808)

Amounts reported for governmental activities in the Statement of Activities are different because:

Capital outlays are reported as expenditures in governmental funds. However, in the statement of activities, the cost of capital assets is allocated over their estimated useful lives as depreciation expense. In the current period these amounts are:

Capital Outlay	-	
Depreciation Expense	(30,191)	
	(30,191)	
Excess of capital outlay over depreciation expense		(30,191)

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

Change in compensated absences (increase)	8,154
---	-------

Change in Net Position of Governmental Activities **\$ (29,845)**

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL (NON-GAAP
BUDGETARY BASIS) -
MAJOR GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013

	General - Fund 16400			Variance Favorable (Unfavorable)
	<u>Original Budget</u>	<u>Approved Revised Budget</u>	<u>Actual</u>	
Revenues				
State General Fund Appropriations	\$ 957,300	\$ 957,300	\$ 957,300	\$ -
Government Grants	-	6,000	6,000	-
Total Revenues	<u>957,300</u>	<u>963,300</u>	<u>\$ 963,300</u>	<u>\$ -</u>
Prior Year Cash Balance Budgeted	<u>15,494</u>	<u>15,494</u>		
	<u>\$ 972,794</u>	<u>\$ 978,794</u>		
Expenditures - All Organizations				
Personal Services	869,546	866,890	866,877	\$ 13
Contractual Services	11,400	5,390	5,318	72
Other Costs	91,848	109,014	109,008	6
Other Financing Uses	-	-	-	-
Total Expenditures	<u>\$ 972,794</u>	<u>\$ 981,294</u>	<u>\$ 981,203</u>	<u>\$ 91</u>

See Independent Auditors' Report and Notes to Financial Statements

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
STATEMENT OF FIDUCIARY ASSETS AND LIABILITIES -
AGENCY FUND
JUNE 30, 2013**

	<u>Agency Fund</u>
ASSETS	
Cash and Cash Equivalents	\$ 75
Total Assets	<u>\$ 75</u>
LIABILITIES	
Assets Held for Others	\$ 75
Total Liabilities	<u>\$ 75</u>

See Independent Auditors' Report and Notes to Financial Statements

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Financial Reporting Entity

The Office of the District Attorney, Tenth Judicial District (Office) operates under Article 6, Section 24, NMSA 1978 Compilation. The Tenth Judicial District covers Quay, Harding and De Baca Counties. The Office provides law enforcement as its primary service. Funding 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 Office 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- GASB Statement No. 34

The basic financial statements include both government-wide and fund financial statements. The reporting model focus is on either the Office as a whole or on major individual funds. 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 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.

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

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 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 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 that briefly explain 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 Office's fiduciary fund (agency fund) 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 financial statements.

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

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, 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 Office:

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

Governmental Funds

General Fund - The General Fund is the general operating fund of the Office. It is used to account for all revenues and expenditures of the Office not encompassed within other funds. 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 #16400 – Tenth Judicial District Attorney.

Fiduciary Funds

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. The Office collects money from qualifying offenders in lieu of prosecution. It also collects money for worthless checks that were accepted by local businesses. The money collected is paid to the injured parties to reimburse them for their loss. In addition, a fee is collected and sent to the Administrative Office of the District Attorney for administration of the program.

Fund Balance Classification: The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Office is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

Nonspendable: 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

Restricted: 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.

Committed: This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Office. These amounts cannot be used for any other purpose unless the Office removes or changes the specified use by taking the same type of action (resolution) 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.

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

Assigned: 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 or through the Office delegating this responsibility to the Chief Financial Officer through the budgetary process. This classification also includes the remaining positive fund balance for all governmental funds except for the General Fund.

Unassigned: 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. Assets, Liabilities and Equity

Cash and Investments

The agency fund's cash and cash equivalents are demand deposits. Deposits are non interest-bearing. The total carrying value of the deposits is shown in note 3. All governmental funds allotted to the Office are held on deposit with the State Treasurer General Fund Investment Pool. Note 4 describes the carrying value of the investment. The State Treasurer issues separate financial statements which disclose the collateral pledged to secure these deposits.

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 with a value exceeding \$5,000 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 items costing more than \$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 shown 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:

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

Building Improvements	10-20 years
Furniture and Fixtures	7-10 years
Equipment and Machinery	6-10 years
Automotive	5 years
Data Processing	6-7 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 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.

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 Court has no outstanding debt relating to capital assets.
2. *Restricted net position*, 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 position* are all other net assets that do not meet the definition of restricted or invested in capital assets, net of related debt.

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

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

1. 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.
2. 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.
3. 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. 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 DFA – Budget Division. The current year budget was revised in a legal manner.
4. Legal budget control for expenditures is by category.
5. The budget for this state agency is adopted on the modified accrual basis or 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.
6. 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.

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 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 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.

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

Qualified employees accumulate annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned Per Month</u>
1 Month - 3 Years	10
Over 3 - 7 Years	11
Over 7 - 11 Years	12
Over 12 - 15 Years	13
Over 16 Years	14

The maximum accrued annual leave of 240 hours may be carried forward into the beginning of the next calendar year and any excess is lost.

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.

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. Interfund Activity

Interfund transactions are treated as transfers and interfund payables and receivables at year end. Transfers between governmental funds are netted as part of the reconciliation to the government-wide financial statements.

H. Program Revenues

Program revenues consist of federal grants. There are no other revenue types included in program revenues.

(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.

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

(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 (16400)	\$ 37,012	\$ 37,012
	<u>\$ 37,012</u>	<u>\$ 37,012</u>
Agency Funds		
Cash in Bank:		
Wells Fargo - Tucumcari Office - Worthless Check Program	\$ 75	\$ 75
Total Cash-Agency Fund	<u>\$ 75</u>	<u>\$ 75</u>

Custodial Credit Risk-Deposit

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 a policy for custodial credit risk. As of June 30, 2013, none of the Office's bank balance was exposed to custodial credit risk. Since all of the bank accounts are considered to be under the State Treasurer's control, the bank accounts are overcollateralized.

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

(4) CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2013 was as follows:

	Beginning Balance	Additions	Deletions	Ending Balance
Capital Assets:				
Data Processing	\$ 8,865	\$ -	\$ -	\$ 8,865
Furniture & Fixtures	18,992	-	-	18,992
Vehicles	<u>136,709</u>	-	-	<u>136,709</u>
Total	<u>164,566</u>	-	-	<u>164,566</u>
Less Accumulated Depreciation for:				
Data Processing	(8,865)	-	-	(8,865)
Furniture & Fixtures	(13,885)	(3,165)	-	(17,050)
Vehicles	<u>(83,704)</u>	<u>(27,026)</u>	-	<u>(110,730)</u>
Total	<u>(106,454)</u>	<u>(30,191)</u>	-	<u>(136,645)</u>
Net Capital Assets	<u>\$ 58,112</u>	<u>\$ (30,191)</u>	<u>\$ -</u>	<u>\$ 27,921</u>

Current year depreciation expense is \$30,191.

(5) DUE TO STATE GENERAL FUND

The Due to State General Fund in the Statement of Net Assets consists of a \$652 reversion that will be remitted to the state general fund for fiscal year ending June 30, 2013.

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

(6) COMPENSATED ABSENCES

The following is a summary of changes in compensated absences:

	Beginning		Ending	Amount Due
	Balance	Additions	Deletions	Balance
				Within One
				Year
Annual Leave	\$ 39,390	\$ 31,236	\$(39,390)	\$ 31,236
Total	\$ 39,390	\$ 31,236	\$(39,390)	\$ 31,236
				\$ 22,320

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.

(7) OPERATING LEASES

The Office leases office equipment under operating leases with third-party vendors. The contracts for leases include annual non-appropriation clauses which can terminate the respective leases. Lease expense under these leases amounted to \$7,547 for the year ended June 30, 2013. Annual future minimum lease payments are as follows:

June 30, 2014	\$ 6,057
June 30, 2015	6,057
June 30, 2016	4,766
June 30, 2017	-
June 30, 2018	-
Total	\$ 16,880

(8) PERA RETIREMENT PLAN

Plan Description

Substantially all of the Office'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 members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

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 PERA's website at www.pera.state.nm.us.

Funding Policy

Plan members are required to contribute 9% of their gross salary. The Office is required to contribute 10.5% of the gross covered salary. The contribution requirements of plan members and the Tenth Judicial District Office are established under Chapter 10, Article 11 NMSA 1978. The requirements may be amended by acts of the legislature. The Office's contributions to PERA for the years ending June 30, 2013, 2012, and 2011 were \$91,339, \$80,424, and \$94,158, respectively, equal to the amount of the required contributions for each year.

(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 is available to all State employees and those local government and school district employees whose employers have elected to participate in the plan and 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.

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

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

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

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

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 the 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.

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 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 2% of each participating employee's annual salary; each participating employee is required to contribute 1% of their salary.

Employees joining the program after January 1, 1998 are also required to make a surplus-amount contribution to the RHCA based on one of two formulas at agreed-upon intervals.

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

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 Office's contributions to the RHCA for the years ended June 30, 2013, 2012 and 2011, respectively, were \$12,113, \$10,998 and \$10,330.

(11) 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. This coverage 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.

(12) STATEWIDE CASH RECONCILIATION

In June 2012 an independent diagnostic report revealed that the State's cash balances have not been reconciled since the inception of the Statewide Human resources, Accounting, and management Reporting system (SHARE) system in July of 2006. Per the directive issued by the Office of the State Auditor on October 30, 2012, a note disclosure relating to this issue is required for all New Mexico state agencies for financial statements issued for the fiscal year ended June 30, 2013.

In conjunction with this directive, the Office has provided copies of the required reports to the Independent Auditors. In addition, the Office has explained to the Independent Auditors the policies and procedures the Office has in place to ensure that the Office's cash balances in SHARE are correct.

The Office monitors cash receipts and cash deposits regularly. The Office verifies and reconciles to the Trial Balance on a monthly basis with SHARE generated reports.

The Independent Auditors confirm that the Office has performed these procedures with respect to cash reconciliations. Therefore, it is determined that there is little risk of misstatement of the Office's cash accounts due to the issue raised here regarding statewide cash reconciliations to the SHARE system.

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2013**

(13) RECONCILIATION OF BUDGETARY BASIS TO GAAP BASIS FINANCIAL STATEMENTS

General Fund (16400):

Expenditures per Modified Accrual Basis	\$970,456
Prior Year Accounts Payable	4,219
Prior Year accrued payroll	35,202
Current Year Accounts Payable	(10,227)
Current Year accrued payroll	<u>(18,447)</u>
Expenditures per Budgetary Basis	<u>\$981,203</u>

See Independent Auditors' Report

SUPPLEMENTARY INFORMATION

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
LIST OF DEPOSITS AND INVESTMENTS
June 30, 2013

	<u>Type</u>	<u>Bank</u>	<u>Balance</u>	<u>Balance</u>	<u>Financial Statement Balance</u>
General Fund					
Investment in General Fund Investment Pool	Operating	\$	37,012	\$	37,012
Agency Fund					
Wells Fargo Bank	Checking		<u>75</u>		<u>75</u>
Total All Funds		<u>\$</u>	<u>37,087</u>	<u>\$</u>	<u>37,087</u>

See Independent Auditors' Report

STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES -
AGENCY FUND
June 30, 2013

	Beginning Balance	Debits	Credits	Ending Balance
ASSETS				
Cash in Bank:				
Trust Accounts	\$ -	\$ 75	\$ -	\$ 75
Total Assets	\$ -	\$ 75	\$ -	\$ 75
LIABILITIES				
Due to Injured Parties	\$ -	\$ -	\$ 75	\$ 75
Total Liabilities	\$ -	\$ -	\$ 75	\$ 75

See Independent Auditors' Report

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
SCHEDULE OF OPERATING TRANSFERS
June 30, 2013**

	<u>SHARE</u>	<u>FUND</u>	<u>TITLE</u>	<u>TRANSFER</u>	
				In	Out
(1)	85300		Department of Finance and Administration	\$ 957,300	\$ -
(2)	85300		Department of Finance and Administration	-	(652)
				<u>\$ 957,300</u>	<u>\$ (652)</u>

(1) State General Fund Appropriation as per Laws 2013, Chapter 179.

(2) Reversion to State General Fund

See Independent Auditors' Report

Kubiak & Melton, LLC

CERTIFIED PUBLIC ACCOUNTANTS

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

Independent Auditors' Report

Hector H. Balderas
New Mexico State Auditor
Santa Fe, New Mexico

and

Tim Rose, District Attorney
Office of the District Attorney
Tenth Judicial District
Tucumcari, 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, each major fund, the aggregate remaining fund information, the budgetary comparisons of the general fund and the Agency fund, of the State of New Mexico, Office of the District Attorney, Tenth Judicial District (Office) as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Office's basic financial statements, and have issued our report dated October 4, 2013.

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 of 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 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 and, therefore, material weaknesses or significant deficiencies may exist that were not identified. 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 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.

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.

Kubiak & Melton, LLC

Kubiak & Melton, LLC
Albuquerque, New Mexico
October 4, 2013

**STATE OF NEW MEXICO
OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
EXIT CONFERENCE
JUNE 30, 2013**

The contents of this report were discussed at an exit conference held October 4, 2013. The firm of Kubiak & Melton, LLC was represented by Daniel O. Trujillo, CPA, CFE. The Office of the District Attorney, Tenth Judicial District, was represented by Tim Rose, District Attorney, and Jennifer Sena, CFO.

The audited financial statements of the Office of the District Attorney, Tenth Judicial District, were prepared from the original books and records provided by and with the assistance of the management of the Office and Kubiak & Melton, LLC.