

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE
OF THE DISTRICT ATTORNEYS**

**Financial Statements
June 30, 2010**

(With Independent Auditor's Report Thereon)

INTRODUCTORY SECTION

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
June 30, 2010**

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**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
June 30, 2010**

Official Roster

New Mexico District Attorneys' Association Officers

Honorable Richard Flores President
4th Judicial District Attorney

Honorable Matt Chandler Vice-President
9th Judicial District Attorney

Honorable Susanna Martinez Treasurer
3rd Judicial District Attorney

Administrative

Kelly Kuenstler Director

Filemon Gonzalez Chief Financial Officer

FINANCIAL SECTION

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INDEPENDENT AUDITOR'S REPORT

Kelly Kuenstler, MPA, Director
Administrative Office of the District Attorneys
and
Hector H. Balderas
New Mexico State Auditor
Santa Fe, New Mexico

We have audited the accompanying financial statements of the governmental activities, each major fund, and the respective budgetary comparisons for the General Fund and major special revenue funds of the State of New Mexico, Administrative Office of the District Attorneys (AODA), a component unit of the State of New Mexico, as of and for the year ended June 30, 2010, which collectively comprise the State of New Mexico, Administrative Office of the District Attorneys' basic financial statements as listed in the table of contents. We also have audited the AODA's governmental funds presented as supplementary information in the accompanying combining and individual fund financial statements and the respective budgetary comparisons as of and for the year ended June 30, 2010, as listed in the table of contents. These financial statements are the responsibility of the State of New Mexico, Administrative Office of the District Attorneys' management. 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 of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

As discussed in Note 1.A., the financial statements of the State of New Mexico, Administrative Office of the District Attorneys, are intended to present the financial position and changes in financial position of only that portion of the governmental activities and major fund of the State of New Mexico that is attributable to the transactions of the State of New Mexico, Administrative Office of the District Attorneys. They do not purport to, and do not, present fairly the financial position of the State of New Mexico as of June 30, 2010, and changes in its financial position for the year ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the State of New Mexico, Administrative Office of the District Attorneys, as of June 30, 2010, and the respective changes in financial position, thereof, and the respective budgetary comparisons for the General Fund and major special revenue funds for the year then ended in conformity with accounting principles generally accepted in the United States of America. In addition, in our opinion, the combining and individual fund financial statements referred to above present fairly, in all material respects, the respective financial position of each governmental fund of the State of New Mexico,



Administrative Office of the District Attorneys as of June 30, 2010, and the respective changes in financial position, thereof, and the respective budgetary comparisons for the governmental funds for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with **Government Auditing Standards**, we have also issued our report dated December 6, 2010, on our consideration of the State of New Mexico, Administrative Office of the District Attorneys' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with **Government Auditing Standards** and should be considered in assessing the results of our audit.

The management's discussion and analysis on pages viii through xiv is not a required part of the basic financial statements, but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the basic financial statements, and the individual fund financial statements and budgetary comparisons. The accompanying schedule of expenditures of federal awards listed in the table of contents is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, **Audits of States, Local Governments, and Not-for-Profit Organizations**, and is not a required part of the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.



Robert J. Rivera, CPA, PC
Santa Fe, New Mexico
December 6, 2010

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

The Administrative Office of the District Attorney's (the AODA) Management's Discussion and Analysis provides the reader of the financial statements this narrative overview and analysis of the financial activities of the AODA for the fiscal year ended June 30, 2010.

The AODA was authorized in Chapter 110, Laws of 1984, (Section 36-1-25, NMSA, 1978) and began operating in August 1984. It is supervised by a director who is appointed by a major vote of the elected or appointed district attorneys of the State of New Mexico. The director's responsibility is to provide administrative, educational and planning assistance to district attorneys statewide. This includes, but is not limited to, preparing personnel pay plans, developing a comprehensive data base for case management, preparing and distributing uniform forms and procedures manuals and developing uniform systems for use by district attorneys'.

OVERVIEW OF THE FINANCIAL STATEMENTS

The annual report consists of four parts – management's discussion and analysis (this section), the basic financial statements, required supplementary information, and a section that presents combining statements for non-major governmental funds. The basic financial statements include two kinds of statements that present different views of the AODA.

- A. The first two statements are government-wide financial statements that provide both long-term and short-term information about the AODA's overall financial status.
- B. The remaining statements are fund financial statements that focus on individual parts of the AODA, reporting the AODA's operations in more detail than the government-wide statements.
- C. The governmental funds statements tell how general government services (the primary functions of the AODA) were financed in the short term, as well as what remains for future spending.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that further explains and supports the information in the financial statements.

REPORTING ON THE AODA AS A WHOLE

Government-Wide Statements

The government-wide statements report information about the AODA as a whole using accounting methods similar to those used by private-sector companies.

The **Statement of Net Assets** presents information on all of the AODA's assets and liabilities, with the difference between the two reported as net assets. Increases or decreases in net assets may serve as a useful indicator of the AODA's financial position over time.

The **Statement of Activities** presents information on how the AODA's net assets changed during the most recent fiscal year. Changes in net assets are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Therefore, revenues and expenses are included in this statement for some items that will result in cash flows in future fiscal periods (e.g., earned but unused vacation and uncollected accounts receivable.)

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

REPORTING ON THE AODA AS A WHOLE (Cont'd)

Government-Wide Statements (Cont'd)

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

The government-wide financial statements of the AODA fall into the governmental activities category. State appropriations, federal grants and proceeds from severance tax bond appropriations finance these activities.

REPORTING ON THE AODA'S MOST SIGNIFICANT FUNDS

Fund Financial Statements

The fund financial statements provide more detailed information about the AODA's most significant funds. Funds are accounting devices that the AODA uses to keep track of specific sources of funding and spending for particular purposes. Some funds are required by State law. The State Legislature also establishes other funds to control and manage money for particular purposes or to show that it is properly using certain grants. The AODA's funds are all governmental funds. The **Balance Sheets** and the **Statements of Revenue, Expenditures and Changes in Fund Balance** provide this information.

Governmental Funds –

All of the AODA's basic services are included in governmental funds, which focus on (1) how cash and other financial assets that can readily be converted to cash, flow in and out, and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view that helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the AODA's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information on the subsequent pages that explains the relationship (or differences) between them.

The AODA maintains its fund structure in the Statewide Human Resources, Accounting and Management Reporting (SHARE) System. The AODA maintains three accounts which make up the General Fund (General Operating Account - Fund No. 16800, Computer Enhancement Fund - Fund 64500, and Forensic Evaluation Program Account - Fund 94600), and five (5) special revenue funds, Statewide Victims Notification Special Revenue Fund (Fund No. 10860), Southwest Border Prosecution Initiative Special Revenue Fund (Fund 91680), Stop VAWA Grant Special Revenue Fund (Fund 10830), Ed Byrne Memorial Justice Assistance Special Revenue Fund (Fund 10850), and ARRA of 2009 Special Revenue Fund (Fund 89000).

Budgetary Comparisons

The budget comparison information required by GASB #34 for the General Fund and major special revenue funds, that have legally adopted budgets, is presented as a part of the basic financial statements. All other budget comparisons that have legally adopted budgets are presented as required supplemental information (RSI). The budgetary comparisons present both the original and final budgets for the reporting period as well as the actual inflows, outflows, and balances on the budgetary basis, which is the modified accrual basis of accounting.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

Financial Analysis of the AODA as a Whole

Statement of Net Assets - Analysis of Financial Position

Exhibit A summarizes the AODA's net assets for the fiscal years ending June 30, 2010 and 2009. The following condensed financial information was derived from the entity-wide Statement of Net Assets for the current and prior-year.

	<u>Current Year FY 2010</u>	<u>Prior Year FY 2009</u>	<u>Increase or (Decrease)</u>
Current and other assets	\$ 1,366,354	\$ 790,758	\$ 575,596
Capital assets, net	<u>257,993</u>	<u>258,507</u>	<u>(514)</u>
 Total assets	 <u>1,624,347</u>	 <u>1,049,265</u>	 <u>575,082</u>
Current liabilities	1,187,084	231,968	955,116
Long-term liabilities	<u>23,269</u>	<u>24,946</u>	<u>(1,677)</u>
 Total liabilities	 <u>1,210,353</u>	 <u>256,914</u>	 <u>953,439</u>
 Net assets:			
Invested in capital assets	257,993	258,507	(514)
Unrestricted	<u>156,001</u>	<u>533,844</u>	<u>(377,843)</u>
 Total net assets	 <u>\$ 413,994</u>	 <u>\$ 792,351</u>	 <u>\$ (378,357)</u>

Total Assets:

Consists of investment in State Treasurer General Fund investment pool of \$1,366,354, prepaid travel expenses of \$5,947, net receivables of \$857,021 and capital assets, net of accumulated depreciation of \$257,993. Total assets are \$1,624,347. This represents an increase of \$575,082, or 54.81% from fiscal year 2009.

Total Liabilities:

Consists of current liabilities of \$1,187,084 and long-term liabilities of \$23,269. Total liabilities are \$1,210,353. This represents an increase in liabilities of \$953,439 or 371.1% from fiscal year 2009.

Net Assets:

Consists of \$257,993 invested in capital assets with no related debt, and unrestricted assets of \$156,001 for a total of \$413,994. This represents a decrease of \$378,357, or 47.75 % from the fiscal year 2009 net asset balance of \$792,351.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

Changes in Net Assets

Exhibit B summarizes the AODA's changes in net assets for the fiscal years ending June 30, 2010 and 2009. The following condensed financial information was derived from the entity-wide Statement of Activities for the current and prior-year.

	<u>Current Year</u> <u>FY 2010</u>	<u>Prior Year</u> <u>FY 2009</u>	<u>Increase or</u> <u>(Decrease)</u>
Revenues:			
Program revenues:			
Charges for services	\$ 310,543	\$ 320,491	\$ (9,948)
Federal grants - operating	<u>2,390,055</u>	<u>73,335</u>	<u>2,316,720</u>
Total revenues	<u>2,700,598</u>	<u>393,826</u>	<u>2,306,772</u>
Expenses:			
General government	<u>3,559,039</u>	<u>2,502,439</u>	<u>1,056,600</u>
Total expenses	<u>3,559,039</u>	<u>2,502,439</u>	<u>1,056,600</u>
Net program (expenses) revenue	<u>(858,441)</u>	<u>(2,108,613)</u>	<u>1,250,172</u>
Transfers:			
State General Fund appropriation	2,043,000	2,108,700	(65,700)
Other appropriations - compensation appropriation	-	18,000	(18,000)
Operating transfers in	150,637	-	150,637
Operating transfers (out)	(1,551,485)	-	(1,551,485)
Capital assets to district attorneys	(209,156)	(9,999)	(199,157)
Reversions to State General Fund	<u>(17,711)</u>	<u>(9,929)</u>	<u>(7,782)</u>
Total transfers	<u>415,285</u>	<u>2,106,772</u>	<u>(1,691,487)</u>
Change in net assets	<u>(443,156)</u>	<u>(1,841)</u>	<u>(441,315)</u>
Net assets, beginning (as reported)	792,351	794,186	(1,835)
Restatements:			
Prior-period adjustment	<u>64,799</u>	<u>6</u>	<u>64,793</u>
Net assets, beginning (as restated)	<u>857,150</u>	<u>794,192</u>	<u>62,958</u>
Net assets, ending	<u>\$ 413,994</u>	<u>\$ 792,351</u>	<u>\$ (378,357)</u>

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

Change in Net Assets (Cont'd)

Total Revenues and Transfers:

Consists of \$4,894,235 for operational purposes. State General Fund appropriations, worthless checks and pre-prosecution fees and federal awards provide the majority of revenue. This represents an approximate increase of \$2,373,709, or 94.18% in total revenues and transfers from \$2,520,526 to \$4,894,235.

Total Expenses and Transfers:

Consists of \$5,337,391 mainly for operational, employee salaries and benefits, operating costs, and flow-through grants to subgrantees. This represents an approximate increase of total expenses and transfers of \$2,815,029, or 111.6% from \$2,522,362 to \$5,337,391.

Change of Net Assets:

The AODA's total revenue and transfers increased by approximately 94.2% from \$2,520,526 to \$4,894,235. The AODA's total expenses increased by approximately 111.6% from \$2,522,367 to \$5,337,391. The decrease in the change in net assets was \$441,315.

There was a significant change in the AODA's Financial Position (Statement of Net Assets). Total assets increased by approximately 54.8% from \$1,049,265 to \$1,624,347. Total liabilities increased by \$953,439 from \$256,914 to \$1,210,353. In addition, there was a significant change in operations (Statement of Activities) from the prior-year. Total net assets decreased by approximately \$378,357 from \$792,351 to \$413,994, or 47.75%.

AODA again anticipates increasing its revenue from the Worthless Check and Pre-Prosecution Diversion Programs. AODA intends to do this through encouraging the 14 District Attorneys' Offices statewide to more aggressively seek candidates for these programs. AODA also intends to lobby the legislature more intensely to increase our funding from General Funds, and it will continue to seek out sources of federal funds.

THE AODA'S FUNDS

As described above, the AODA has six governmental funds. The AODA's General Fund is comprised of three accounts, the General Operating Account (#16800) the Computer System Enhancement Account (#64500), and the Forensic Evaluation Program Account (#94600). The AODA's general operating account is funded primarily through worthless check and pre-prosecution fees (non-reverting) revenue sources per Section 36-1-28, NMSA, State General Fund appropriations (reverting) and federal flow-through funds (non-reverting). The other five governmental funds are special revenue funds used to account for specific revenue sources. The special revenue funds are as follows: Statewide Victims Notification Special Revenue Fund (#10860), Southwest Border Prosecution Initiative Special Revenue Fund (#91680), the Stop Violence Against Women (VAWA) Grant Special Revenue Fund (#10830), the Ed Byrne Memorial Justice Assistance Special Revenue Fund (#10850) and the ARRA of 2009 Special Revenue Fund (#89000).

As the AODA completed the year, its governmental funds (as presented in the balance sheet on page 3) reported a combined fund balance of \$241,884, which is less than last year's total of \$609,035, a decrease of \$367,151.

The General Fund of the AODA reflects a fund balance of \$63,247. A portion of this fund balance (\$57,300) represents the non-reverting balances of accumulated worthless check and pre-prosecution fees which are available for budgeting future operations per section 36-1-28, NMSA 1978. In addition, the Southwest Border Prosecution Initiative Special Revenue Fund has \$178,637 of non-reverting balances of federal Southwest Border Prosecution Initiative Program funds which are available for budgeting future operations.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The AODA's capital assets consist of furniture and equipment, data processing equipment, vehicles and software, net of accumulated depreciation. The ending capital asset value for the AODA is \$852,483, which is \$99,196 greater than in fiscal year 2009. The increase in the net value of capital assets is due to capital asset additions of \$123,168, capital asset deletions of \$23,972, and depreciation expense of \$106,349 taken during the current year.

Infrastructure Assets

The AODA does not own any infrastructure assets.

Long-Term Debt

At the end of the current fiscal year, the AODA had total long-term debt outstanding of \$23,269 comprising of accumulated balances for terminal and sick leave eligible for payment to employees upon termination of their employment from the AODA. Employees can receive a compensation for a maximum of 240 hours upon severance.

General Fund Budgetary Highlights

The State Legislature makes annual appropriations to the AODA. Amendments to the budget require approval by the Budget Division of the Department of Finance and Administration (DFA). Over the course of the year, the AODA revised its budget several times. These budget amendments fall into four categories:

- Increase from federal awards unknown at the time of original budget submission.
- Re-budgeting of previous fiscal year dollars to be expended in fiscal year 2010.
- Increases or reallocation of appropriations to prevent budget overruns.
- Increases from worthless check and pre-prosecution fees to prevent budget overruns.

Differences between the original and final amended budget for the General Fund resulted in a 65% increase. Increases of \$2,595,900 to the General Fund budget resulted primarily from \$908,400 in cash balances used to liquidate fiscal year 2010 payables to district attorneys.

The Administrative Office of the District Attorneys FY 11 Budget Request includes an expansion of one FTE for a total amount of \$49,600 . This position is desperately needed because the District Attorneys' Fiscal Support and Case Management System has become much more sophisticated and also because the number of users continues to increase. AODA provides services for all fourteen (14) District Attorneys' Offices Statewide which translates into approximately eight hundred (800+) employees statewide.

Due to the limited staff and resources, the staff is often required to work additional hours in order to complete tasks which are absolutely necessary to keep the DA network functioning properly. In order to reduce the down time for employees, AODA IT staff must often perform functions such as backing up, upgrading software or hardware, etc., during non-peak hours.

AODA continually strives to improve its services to the District Attorneys' Offices statewide and to the citizens of New Mexico.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Management's Discussion and Analysis
June 30, 2010**

CONTACTING THE ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS' MANAGEMENT

The final report is designed to provide our citizens, taxpayers and creditors with a general overview of the Administrative Office of the District Attorneys' finances and to demonstrate the Administrative Office of the District Attorneys' accountability for the money it receives. If you have any questions about this report or need additional financial information, please contact:

**Administrative Office of the District Attorneys
625 Silver Ave., Suite 310
Albuquerque, NM 87102
Ph. (505) 827-3789
Fax. (505) 242-3227**

BASIC FINANCIAL STATEMENTS

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Net Assets
June 30, 2010

	<u>Governmental Activities</u>
<u>Assets</u>	
Investment in State Treasurer General Fund investment pool (note 3)	\$ 503,386
Due from other state agencies (note 4)	1,000
Due from federal government	856,021
Travel advances	5,947
Capital assets (net of accumulated depreciation)	<u>257,993</u>
Total assets	<u>1,624,347</u>
<u>Liabilities</u>	
Current liabilities:	
Accounts payable	408,960
Payroll taxes payable	13,356
Payroll benefits payable	19,843
Accrued payroll payable	30,537
Due to other state agencies (note 4)	601,836
Due to State General Fund (note 5)	49,937
Compensated absences payable	62,615
Long-term liabilities:	
Compensated absences	<u>23,269</u>
Total liabilities	<u>1,210,353</u>
<u>Net Assets</u>	
Invested in capital assets	257,993
Restricted	-
Unrestricted	<u>156,001</u>
Total net assets	<u>\$ 413,994</u>

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Activities
For the Year Ended June 30, 2010

	<u>Governmental Activities</u>
Expenses:	
Governmental activities:	
General government	\$ 3,452,690
Depreciation	<u>106,349</u>
Total expenses	<u>3,559,039</u>
Program revenues:	
Charges for services	310,543
Intergovernmental:	
Federal grants-operating	<u>2,390,055</u>
Total program revenues	<u>2,700,598</u>
Net program (expenses) revenue	<u>(858,441)</u>
General revenue and transfers:	
Transfers:	
State General Fund appropriation	2,043,000
Transfers in	150,637
Transfers (out)	(1,551,485)
Capital asset transfers to district attorneys	(209,156)
Reversions to State General Fund - FY 2010	<u>(17,711)</u>
Total transfers	<u>415,285</u>
Change in net assets	<u>(443,156)</u>
Net assets, beginning, as reported	792,351
Restatement:	
Prior-period adjustment (note 16)	<u>64,799</u>
Net assets, beginning, as restated	<u>857,150</u>
Net assets, ending	<u>\$ 413,994</u>

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Balance Sheet
Governmental Funds
June 30, 2010

	Major		Non-Major		Total Governmental Funds
	(Fund 10860) Statewide General Fund (All Accounts)	(Fund 91680) SW Border Prosecution Initiative Special Revenue	Other Funds	Eliminations	
Assets					
Investment in the State Treasurer					
General Fund Investment Pool (note 3)	\$ 602,032	\$ -	\$ 627,386	\$ -	\$ 1,229,418
Due from other funds	-	-	150,637	(150,637)	-
Due from other state agencies (note 4)	-	-	-	1,000	1,000
Due from federal government	26,672	627,559	-	201,790	856,021
Travel Advances	5,947	-	-	-	5,947
Total assets	\$ 634,651	\$ 627,559	\$ 778,023	\$ (150,637)	\$ 2,092,386
Liabilities and Fund Balance					
Liabilities:					
Investment in the State Treasurer General					
Fund Investment Pool-deficit (note 3)	\$ -	\$ 540,358	\$ -	\$ 185,674	\$ 726,032
Accounts payable	312,943	84,034	-	11,983	408,960
Payroll taxes payable	11,553	774	-	1,029	13,356
Payroll benefits payable	18,322	668	-	854	19,844
Accrued payroll payable	25,562	1,725	-	3,250	30,537
Due to other state agencies (note 4)	2,450	-	599,386	-	601,836
Due to State General Fund (note 5)	49,937	-	-	-	49,937
Due to other funds	150,637	-	-	(150,637)	-
Total liabilities	571,404	627,559	599,386	(150,637)	1,850,502
Fund Balance					
Fund balance:					
Reserved for prepaid travel advances	5,947	-	-	-	5,947
Unreserved-undesignated	57,300	-	178,637	-	235,937
Total fund balance	63,247	-	178,637	-	241,884
Total liabilities and fund balance	\$ 634,651	\$ 627,559	\$ 778,023	\$ (150,637)	\$ 2,092,386

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Reconciliation of the Governmental Funds Balance Sheet
to the Government-Wide Statement of Net Assets
June 30, 2010

Total fund balance for the governmental funds (balance sheet) - (Exhibit C) \$ 241,884

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

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.

These assets consist of:

Furniture and equipment	\$ 26,678	
Data processing equipment	426,078	
Vehicles	347,613	
Software	52,114	
Accumulated depreciation	<u>(594,490)</u>	257,993

Some liabilities are not due and payable in the current period and, therefore, are not reported in the Governmental Funds Balance Sheet.

These liabilities consist of:

Compensated absences	(85,884)	
Rounding	<u>1</u>	

Net assets of governmental activities (statement of net assets) - (Exhibit A) \$ 413,994

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Revenues, Expenditures and Changes in
Fund Balance - Governmental Funds
For the Year Ended June 30, 2010

	Major			Non-Major	Total Governmental Funds
	(Fund 10860) Statewide General Fund (All Accounts)	(Fund 91680) SW Border Victims Notification Special Revenue	(Fund 91680) SW Border Prosecution Initiative Special Revenue	Other Funds	
Revenues:					
Fees:					
Worthless check fees	\$ 94,873	\$ -	\$ -	\$ -	\$ 94,873
Pre-prosecution fees	215,670	-	-	-	215,670
Intergovernmental:					
Federal funds - operating	102,336	627,559	1,428,848	231,312	2,390,055
Total revenues	412,879	627,559	1,428,848	231,312	2,700,598
Expenditures:					
Current:					
General government:					
Personal services and employee benefits	1,254,237	43,525	-	17,958	1,315,720
Contractual services	66,129	584,034	-	1,000	651,163
Other	1,457,500	-	-	195,021	1,652,521
Capital outlay	120,252	-	-	17,333	137,585
Total expenditures	2,898,118	627,559	-	231,312	3,756,989
Excess (deficiency) of revenues over expenditures	(2,485,239)	-	1,428,848	-	(1,056,391)
Other financing sources (uses):					
Transfers in (out):					
State General Fund appropriation	2,043,000	-	-	-	2,043,000
Other financing sources-transfers in	-	-	150,637	-	150,637
Other financing (uses)-transfers out	(150,637)	-	-	-	(150,637)
Other financing (uses)	-	-	(1,400,848)	-	(1,400,848)
Reversion to State General Fund - FY 2010	(17,711)	-	-	-	(17,711)
Total other financing sources (uses)	1,874,652	-	(1,250,211)	-	624,441
Net change in fund balances	(610,587)	-	178,637	-	(431,950)
Fund balance, beginning of year, as reported	609,035	-	-	-	609,035
Restatement:					
Prior-period adjustment (note 16)	64,799	-	-	-	64,799
Fund balance, beginning of year, as restated	673,834	-	-	-	673,834
Fund balance, end of year	\$ 63,247	\$ -	\$ 178,637	\$ -	\$ 241,884

The accompanying notes are an integral part of the financial statements.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Reconciliation of the Statement of Revenues, Expenditures
and Changes in Fund Balance of Governmental Funds
to the Statement of Activities
June 30, 2010**

Net change in fund balances - Governmental Funds (Exhibit E) \$ (431,950)

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 the estimated useful lives as depreciation expense.

In the current period, these amounts are:

Depreciation expense	(106,349)
Capital outlay capitalized	123,168
Deletion of capital assets	(17,333)

Some items reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

These activities consisted of:

Increase in compensated absences	(10,693)
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Donation of capital assets to various district attorneys' offices decreases net assets in the Statement of Activities, but do not appear in the governmental funds because they are not financial expenditures.

Rounding	1
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Changes in net assets of governmental activities (Exhibit B) \$ (443,156)

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Revenues and Expenditures
Budget and Actual (Budget Basis)
Major Governmental Funds
General Fund
All Accounts (Fund 16800, Fund 64500 and Fund 94600)
For the Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budgetary Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ 2,043,000	\$ 2,043,000	\$ 2,043,000	\$ -
Federal funds	103,259	103,259	102,336	(923)
Other state funds	215,965	280,765	310,543	29,778
Other financing sources	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total revenues	2,362,224	2,427,024	\$ 2,455,879	\$ 28,855
	<hr/>	<hr/>		
Cash balance re-budgeted	609,035	609,035		
	<hr/>	<hr/>		
Total budgeted revenues	\$ 2,971,259	\$ 3,036,059		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 1,274,959	\$ 1,274,959	\$ 1,254,237	\$ 20,722
Contractual services	74,500	74,500	66,129	8,371
Other	1,621,800	1,686,600	1,577,752	108,848
Other-financing uses-transfers out	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total expenditures	\$ 2,971,259	\$ 3,036,059	\$ 2,898,118	\$ 137,941

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis:	\$ 2,455,879	\$ 3,048,755
Adjustments:		
Transfers (out) to new fund	<hr/>	<hr/>
	-	(150,637)
Budget basis	\$ 2,455,879	\$ 2,898,118

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Revenues and Expenditures
Budget and Actual (Budget Basis)
Major Governmental Funds
Statewide Victims Notification Special Revenue Fund (Fund 10860)
For the Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budgetary Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
Federal grants	\$ 1,336,922	\$ 1,336,922	\$ 627,559	\$ (709,363)
Total revenues	1,336,922	1,336,922	<u>\$ 627,559</u>	<u>\$ (709,363)</u>
Cash balance re-budgeted	<u>-</u>	<u>-</u>		
Total budgeted revenues	<u>\$ 1,336,922</u>	<u>\$ 1,336,922</u>		
 Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 114,738	\$ 114,738	\$ 43,525	\$ 71,213
Contractual services	1,217,606	1,217,606	584,034	633,572
Other	<u>4,578</u>	<u>4,578</u>	<u>-</u>	<u>4,578</u>
Total expenditures	<u>\$ 1,336,922</u>	<u>\$ 1,336,922</u>	<u>\$ 627,559</u>	<u>\$ 709,363</u>

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis	\$ 627,559	\$ 627,559
Adjustments: none	<u>-</u>	<u>-</u>
Budget basis	<u>\$ 627,559</u>	<u>\$ 627,559</u>

Note:

The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Statement of Revenues and Expenditures
Budget and Actual (Budget Basis)
Major Governmental Funds
Southwest Border Prosecution Initiative Special Revenue Fund (Fund 91680)
For the Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budgetary Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
Federal grants	\$ 1,428,848	\$ 1,428,848	\$ 1,428,848	\$ -
Total revenues	1,428,848	1,428,848	<u>\$ 1,428,848</u>	<u>\$ -</u>
Cash balance re-budgeted	-	-		
Total budgeted revenues	<u>\$ 1,428,848</u>	<u>\$ 1,428,848</u>		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 28,000	\$ 28,000	\$ -	\$ 28,000
Contractual services	-	-	-	-
Other	-	-	-	-
Other financing uses	<u>1,400,848</u>	<u>1,400,848</u>	<u>1,400,848</u>	<u>-</u>
Total expenditures	<u>\$ 1,428,848</u>	<u>\$ 1,428,848</u>	<u>\$ 1,400,848</u>	<u>\$ 28,000</u>

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis	\$ 1,579,485	\$ 1,400,848
Adjustments: Transfers In (new fund)	<u>(150,637)</u>	<u>-</u>
Budget basis	<u>\$ 1,428,848</u>	<u>\$ 1,400,848</u>

Note:

The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

1. History and Organization

The Administrative Office of the District Attorneys (AODA) was authorized in Chapter 110, Laws of 1984, (Section 36-1-25, NMSA, 1978) and began operating in August 1984. It is supervised by a director who is appointed by a majority vote of the elected or appointed district attorneys of the State of New Mexico. The director may, with legislative appropriations, appoint necessary personnel and assign their duties. The director's responsibility is to provide administrative, educational and planning assistance to the district attorneys statewide. This includes, but is not limited to, preparing personnel pay plans, developing a comprehensive data base for case management, preparing and distributing uniform forms and procedures manuals and developing uniform systems for use by district attorneys' offices. Section 36-1-26 (G) provides that the AODA shall also prosecute conflict of interest and other cases at the request of an elected or appointed district attorney. Beginning July 1, 1984, New Mexico district attorneys were authorized to collect and deposit with the State Treasurer two classes of revenue in the district attorney fund administered by the AODA. The two classes of revenue are as follows:

- A. Processing fees assessed against persons who are convicted of violating Section 30-36-4, NMSA 1978, of the Worthless Check Act (Section 30-36-1 to Section 30-36-10); and,
- B. Cost paid by defendants referred to a pre-prosecution diversion program in accordance with the provisions of the Pre-prosecution Diversion Act (Section 31-16A-1 to Section 31-16A-8, NMSA 1978), to the extent public or private funds permit. The program includes individual counseling and guidance; required restitution where applicable to the extent practical and may require public service. The district attorney may refer clients for treatment and rehabilitation. Based on financial circumstances, the defendant is required to reimburse the district attorney for costs related to participation in the program.

The various district attorneys are located in the thirteen judicial districts throughout the state. The Eleventh Judicial District Attorney has two divisions. Subsequent to collection of fees and costs as described above, the various district attorneys submit (on at least a monthly basis) the funds to the State Treasurer for deposit into the district attorney fund (AODA operating cash account). Money in the fund is appropriated to the AODA for the sole purpose of meeting necessary expenses incurred in the operation of the AODA. As indicated in Section 36-1-28, these two revenue sources shall not revert to the State General Fund at the end of any fiscal year.

2. Summary of Significant Accounting Policies

The financial statements of the Administrative Office of the District Attorneys have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The AODA applies all relevant Governmental Accounting Standards Board (GASB) pronouncements and applicable Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless they conflict with GASB pronouncements. The more significant of the AODA's accounting policies are described below:

A. Reporting Entity and Component Units

The State of New Mexico Administrative Office of the District Attorneys is a legally separate and fiscally independent of other state agencies. Although the Director serves at the pleasure of the thirteen district attorneys, that person has decision-making authority, the power to manage the activities of the AODA, the responsibility to significantly influence operations and primary accountability for fiscal matters. The AODA is not included in any other governmental "reporting entity" as defined in Section 2100, *Codification of Governmental Accounting and Financial Reporting Standards*. Included within the reporting entity is

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

2. Summary of Significant Accounting Policies (Cont'd)

A. Reporting Entity and Component Units (Cont'd)

the AODA as described above. There are no component units. Other Executive Branch entities of government are excluded because they are established separately by statutes.

In evaluating how to define the AODA for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria set forth in GAAP. The basic—but not the only—criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of the ability to exercise oversight responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations and accountability for fiscal matters. The other criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the AODA is able to exercise oversight responsibilities. Based upon the application of these criteria, the AODA does not have any component units.

The AODA is not included in any other governmental "reporting entity" as defined in Section 2100, *Codification of Governmental Accounting and Financial Reporting Standards*, but would be included in a state-wide Comprehensive Annual financial Report (CAFR). The director has decision making authority, the power to designate management, the responsibility to significantly influence operations and primary accountability of fiscal matters.

The AODA is a user organization of the *Statewide Human Resource, Accounting, and Management Reporting System (SHARE)*. The service organization is the Department of Finance and Administration (DFA).

B. Basic Financial Statements - Government-Wide Statements

The AODA's basic financial statements include both government-wide (based on the AODA as a whole) and fund financial statements. Both the government-wide and fund financial statements (within the basic statement) categorize primary activities as either governmental or business type, excluding fiduciary funds or component units that are fiduciary in nature. The AODA is a single purpose government entity and has no business type activities. In the government-wide Statement of Net Assets, the governmental activities are presented on a consolidated basis and are reflected on the full accrual, economic resource basis, which incorporates long-term assets and receivables as well as long-term debt and obligations. Interfund receivables and payables between funds within governmental activities are eliminated in the Statement of Net Assets. The AODA's net assets are reported in three parts; invested in capital assets, net of related debt; restricted net assets; and unrestricted net assets.

The government-wide Statement of Activities reflects both the gross and net cost per functional category (public safety), which are otherwise supported by general government revenues. The Statement of Activities reduces gross expense (including depreciation expense on capital assets) by related program revenues, operating and capital grants. Program revenue must be directly associated with the function (general government). Program revenue must be directly associated with the function (general government).

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

2. Summary of Significant Accounting Policies (Cont'd)

B. Basic Financial Statements - Government-Wide Statements (Cont'd)

The net cost by function is normally covered by general revenue. Since the AODA only has one program, it does not employ indirect cost allocation. Program revenue consists of federal and state grants and fines and fees.

The appropriation from the State General Fund not included among program revenues is reported instead as transfers. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets and liabilities resulting from non-exchange transactions are recognized in accordance with the requirements of GASB 33. The revenue recognition policy for grants is when the eligibility requirements have been met, and costs have been incurred.

The net cost by function is normally covered by general revenue.

The government-wide focus is more on the sustainability of the AODA as an entity and the change in the AODA's net assets resulting from the current year's activities.

Restricted net assets are those with constraints placed on their use by either: 1) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments, or 2) imposed by law through constitutional provisions or enabling legislation. All net assets not otherwise classified as restricted, are shown as unrestricted. Generally, the AODA would first apply restricted resources when an expense is incurred for purposes for which both restricted and unrestricted net assets are available.

C. Basic Financial Statements - Fund Financial Statements

Emphasis is on the major funds of the governmental category. Non-major funds are summarized into a single column. The AODA's major funds are its General Fund, the Statewide Victims Notification Special Revenue Fund and the Southwest Border Prosecution Initiative Special Revenue Fund.

The governmental funds in the financial statements are presented on a current financial resource and modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. This presentation is deemed more appropriate to demonstrate legal and covenant compliance, to demonstrate the source and use of liquid resources and to demonstrate how the AODA'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 governmental column, a reconciliation is presented on the page following each statement, which briefly explains the adjustment necessary to transform the fund based financial statements into the governmental column of the government-wide presentation.

The focus is on the AODA as a whole and the fund financial statements, including the major individual funds of the governmental category.

The financial transactions of the AODA are recorded in individual funds, 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 balance, revenues, expenditures or expenses and other financing sources or uses. Government resources are allocated to, and accounted for, in individual

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010**

2. Summary of Significant Accounting Policies (Cont'd)

C. Basic Financial Statements - Fund Financial Statements (Cont'd)

funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled.

The following fund types are used by the AODA:

GOVERNMENTAL FUND TYPES

All governmental fund types are accounted for on a spending or financial flow measurement focus. Only current assets and current liabilities are generally included on their balance sheets. Their reported fund balance (net current assets) is considered a measure of available spendable resources. Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of available spendable resources during a period. Revenues are recognized as soon as they are both measurable and available. Due to their spending measurement focus, expenditure recognition for governmental fund types is limited to exclude amounts represented by non-current liabilities. Since they do not affect net current assets, such long-term amounts are not recognized as governmental fund type expenditures of fund liabilities.

General Fund

General Fund (Operating Account Fund #16800 - reverting and non-reverting) - The General Fund is used to account for all financial resources except those required to be accounted for in another fund. The General Fund is funded primarily through worthless check and pre-prosecution fees (non-reverting revenue sources per Section 36-1-28, as indicated in note 1), State General Fund appropriations (reverting) and federal funds (non-reverting). Non-reverting appropriations are commingled with reverting appropriations; however, expenditures are tracked by revenue source for the purpose of calculating reversions to the State General Fund.

General Fund (Computer System Enhancement Account Fund #64500 - reverting) - The fund was originally authorized under Laws of 1996, Chapter 12, Section 7; Laws of 1999 (1st SS), Chapter 3, Section 5, Items 75 and Section 7, Item 2; and Laws of 2000, Chapter 5, Section 8, Item 1. Its purpose is the purchase of computer equipment, hardware upgrades, and software consistent with the district attorneys' statewide automation plan. This fund is also considered a major individual fund under GASB 34 criteria and is an account of the AODA's General Fund.

General Fund (Forensic Evaluation Program Account Fund #94600 - reverting) - The Forensic Evaluation Program General Fund Account is used to account for departmental operations of the AODA's General Fund. The Forensic Evaluation Program Fund Account is funded through State General Fund appropriations. This fund is also considered a major individual fund under GASB 34 criteria and is an account of the AODA's General Fund.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

2. **Summary of Significant Accounting Policies (Cont'd)**

C. Basic Financial Statements - Fund Financial Statements (Cont'd)

GOVERNMENTAL FUND TYPES

Special Revenue Funds

Statewide Victims Notification Special Revenue Fund #10860 - (Non-reverting) The Statewide Victims Notification Special Revenue Fund is used to account for funds authorized pursuant to 42 U.S.C. 10603(a) (BJA-SAVIN) which ensures that victims of crime receive accurate and timely information regarding the status of offenders and events related to their cases. Funding is through the U.S. Department of Justice on a reimbursement basis.

Southwest Border Prosecution Initiative Special Revenue Fund #91680 - The Southwest Border Prosecution Initiative Program (SWBPI) Special Revenue Fund is used to account for funds received from the US Department of Justice, Bureau of Justice Assistance, pursuant to Public Law 106-246, as amended by Public Law 106-554, authorizing the reimbursement of county and municipal governments in State of California, Texas, and the New Mexico state government, for specific categories of expenses associated with the handling and processing of federally initiated controlled substances cases along the Southwest Border with the prosecution of criminal cases declined by local U.S. Attorneys' offices. AODA submits reimbursement claims on behalf of the various NM district attorney's and funds flow through the AODA to the various district attorney's offices. While funds from the SWBPI federal payments may be used by applicant jurisdictions for any purpose not otherwise prohibited by federal law, using funds for the support and enhancement of prosecutorial and detention services is encouraged.

Stop Violence Against Women (VAWA) Grant Special Revenue Fund #10830 - The Stop Violence Against Women (VAWA) Grant Special Revenue Fund is used to account for Victims of Crime Act (VOCA) Victims Assistance Grant Program Funds, US Department of Justice, passed through the State of New Mexico, Crime Victims Reparation Commission. These funds do not revert to the State General Fund. VOCA is authorized by the Crime Victims Reparation Commission (CVRC) as authorized by the Victims of Crime Act of 1984.

Ed Byrne Memorial Justice Assistance Special Revenue Fund #10850 - The Ed Byrne Memorial Justice Assistance Special Revenue Fund is used to account for funds authorized pursuant to 42 U.S.C. 3751(a) of criminal justice funding to state and local jurisdictions to support a broad range of activities to prevent and control crime based on local needs and conditions. Funding is through the U.S. Department of Justice, through the State of New Mexico, Department of Public Safety on a reimbursement basis.

ARRA of 2009 Special Revenue Fund #89000 - The ARRA of 2009 Special Revenue Fund is used to account for funds authorized by the FY 09 Recovery Act (BJA-Rural Law Enforcement) Pub. L. No. 111-5,123 Stat. 115,130. The purpose of the grant is to combat crime and drugs and facilitating rural justice information system. Funding is through the U.S. Department of Justice and is on a reimbursement basis.

D. Non-Current Governmental Assets/Liabilities

Such information is incorporated into the governmental column in the government-wide Statement of Net Assets.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

2. Summary of Significant Accounting Policies (Cont'd)

E. Basis of Accounting

Basis of accounting refers to the point at which revenues or expenditures are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are prepared using the "economic resources" measurement focus and the accrual basis of accounting. The AODA has elected to apply the provisions of all relevant pronouncements of the Financial Accounting Standards Board (FASB), including those issued after November 30, 1989. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. The governmental funds in the fund financial statements are presented on a modified accrual basis. Under the accrual method of accounting, revenues are recognized when earned and expenditures are recognized when incurred.

All governmental funds utilize the modified accrual basis of accounting. Under this method, revenues and other governmental fund financial resource increments are recognized in the accounting period in which they become susceptible to accrual - that is, when they become both measurable and available to finance expenditures of the current fiscal period; available meaning collectible within the current period or soon enough thereafter, 60 days, to be used to pay liabilities of the current period.

Revenues from grants that are restricted for specific uses are recognized as revenues and as receivables when the related costs are incurred. Contributions and other monies held by other state and local agencies are recorded, as a receivable at the time the money is made available to the specific fund. All other revenues are recognized when they are received and are not susceptible to accrual.

Expenditures are recorded as liabilities when incurred. An exception to this general rule is that accumulated unpaid annual, compensatory and certain sick leave are not accrued as current liabilities, but as non-current liabilities. However, in the government-wide financial statements, both current and long-term are accrued. Expenditures charged to federal programs are recorded utilizing the cost principles described by the various funding sources.

In applying the "susceptible to accrual" concept to intergovernmental revenues pursuant to GASB Statement No. 33, the provider should recognize liabilities and expenses and the recipient should recognize receivables and revenues when the applicable eligibility requirements including time, requirements, are met. Resources transmitted before the eligibility requirement are met, under most circumstances, should be reported as advances by the provider and deferred revenue by the recipient.

F. Budgets and Budgetary Accounting

The State Legislature makes annual appropriations to the AODA which lapse at fiscal year end. Legal compliance is monitored through the establishment of a budget and a financial control system, which permits a budget-to-actual expenditure comparison. Expenditures may not legally exceed appropriations for each budget at the appropriation unit level.

Budgeted appropriation unit amounts may be amended upon approval from the Budget Division of the State of New Mexico, Department of Finance and Administration, within the limitations as specified in the General

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010

2. Summary of Significant Accounting Policies (Cont'd)

F. Budgets and Budgetary Accounting (Cont'd)

Appropriation Act. The budget amounts shown in the financial statements are the original and final authorized amounts as legally revised during the year.

The General Appropriations Act of 2004 established the modified accrual basis of accounting for governmental funds in accordance with the Manual of Model Accounting Practices issued by the Department of Finance and Administration as the budgetary basis of accounting for the State of New Mexico. The change in policy resulted in the recognition of budgetary control from a fiscal year to an appropriation period. Under the budgetary basis, prior year encumbrances allowed for money to be expended in one fiscal year, while charging the expenditure to another year's budget. Under the new policy, as long as the appropriation period has not lapsed, and a budget has been approved by the Department of Finance and Administration, an encumbrance can be charged against the budget. However, when the appropriation period has lapsed, so does the authority for the budget.

The General Fund and Special Revenue Funds budgetary legal authorization to incur obligations is on a basis that differs from the basis of accounting required by generally accepted accounting principles (GAAP). The budget is prepared on a modified accrual basis and may include encumbrances for multiple year appropriations in fund expenditures (commitments for the expenditure of monies relating to unperformed contracts or orders for goods and services). GAAP includes accrued expenditures but does not include encumbrances in fund expenditures.

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

1. No later than September 1, the AODA submits to the Legislative Finance Committee (LFC) and the Budget Division of the Department of Finance and Administration (DFA) an appropriation request for the fiscal year commencing the following July 1. The appropriation request includes proposed expenditures and the means of financing them.
2. Budget hearings are scheduled before the New Mexico House of Appropriations and Senate Finance Committees. The final outcome of those hearings are incorporated into the state's General Appropriations Act.
3. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit, at which time the approved budget becomes a legally binding document.
4. No later than May 1, the AODA submits to DFA an annual operating budget by appropriation unit and object code based upon the appropriation made by the Legislature. The DFA Budget Division reviews and approves the operating budget which becomes effective on July 1.

All subsequent budgetary adjustments must be approved by the Director of the DFA Budget Division and by the LFC.

5. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund and Special Revenue Funds.
6. Budgetary control is exercised by the AODA at the appropriation unit level. Budget Adjustment Requests (BARs) are approved by the DFA Budget Division.

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2. Summary of Significant Accounting Policies (Cont'd)

F. Budgets and Budgetary Accounting (Cont'd)

7. The budget for the General Fund and all special revenue funds is adopted on a modified accrual basis of accounting (General Appropriations Act, Chapter 124, Laws of 2009, Section 3, Paragraph N) except for 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 next year's budget. A reconciliation of budgetary basis to GAAP basis will be necessary if any accounts payable at the end of the fiscal year are not paid by the statutory deadline. The AODA has included such reconciliation for fiscal year 2010.
8. The original budgets differ from the final budgets presented in the budget comparison statements by amendments made during the fiscal year.
9. Appropriations lapse at the end of the fiscal year except for those amounts related to unexpended valid encumbrances for multi-year appropriations.

In accordance with the requirements of Section 2.2.2.10.A (2) (b) of 2.2.2 NMAC Requirements for Contracting and Conducting Audits of Agencies and the allowance made by GASB 34, footnote 53, the budgetary comparison statements for major funds have been included as part of the basic financial statements.

G. Encumbrances

Encumbrances represent commitments related to unperformed contracts for goods and services. Encumbrance accounting, under which purchase orders, contracts and other commitments for expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budget integration in the governmental funds. Encumbrances outstanding at year-end are reported as reservations of fund balance and do not constitute expenditures or liabilities because the commitments will be honored during the subsequent fiscal year. Unused and excess encumbrances are adjusted in the year that the appropriation lapses.

H. Cash

Cash is deposited by the AODA into its accounts with the State Treasurer which are pooled and invested by the State Treasurer at various financial institutions.

I. Federal Grants Receivable (Deferred Revenue)

Various reimbursement procedures are used for federal awards received by the AODA. Consequently, timing differences between expenditures and program reimbursements can exist at any time during the fiscal year. Receivable balances at fiscal year-end represent an excess of modified accrual basis expenditures over cash reimbursements received to date. Conversely, deferred revenue balances represent an overdraw of cash (advances) in excess of modified accrual basis expenditures. Generally, receivable or deferred balances caused by differences in the timing of cash reimbursements and expenditures will be reversed or returned to the grantor in the remaining grant period.

Determining the amount of expenditures reimbursable by the federal government, in some cases, requires management to estimate allowable costs to be charged to the federal government. As a result of this and

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2. Summary of Significant Accounting Policies (Cont'd)

I. Federal Grants Receivable (Deferred Revenue) (Cont'd)

other issues, management provides an allowance for potential contractual allowances for federal revenue. Any changes in these estimates are recorded in the period that the estimate is changed.

Certain federal program funds are passed through the AODA to subgrantee organizations.

J. Capital Assets

Capital assets of the AODA include data processing equipment, furniture and fixtures, equipment and automobiles. The AODA does not have any infrastructure. Capital assets are defined in Section 12-6-10 NMSA 1978. Section 12-6-10 NMSA 1978, was amended effective June 19, 2005, changing the capitalization threshold of movable chattels and equipment from items costing more than \$1,000 to items costing more than \$5,000. The AODA has adopted this change in an accounting estimate, per Accounting Principles Board (APB) 20. Old inventory items that do not meet the new capitalization threshold will remain on the inventory list and continue to be depreciated.

Any items received after July 1, 2005, will be added to the inventory only if they meet the new capitalization policy. Such assets are recorded at historical cost. Donated capital assets are recorded at estimated fair market value at the date of donation. Computer software which is purchased with data processing computer equipment is included as part of the capitalized computer equipment in accordance with 2.20.1.9 C (5). The cost of maintenance and repairs that do not add to the asset value or materially extend assets lives are not capitalized. The AODA does not undertake major capital projects involving interest costs during the construction phase. There is no debt related to the capital assets. Capital assets of the AODA are depreciated using zero salvage value and the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Furniture and equipment	6
Data processing equipment	3
Vehicles	5
Software	3

K. Accrued Compensated Absences - Annual and Sick Leave

Qualified employees accumulate annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned Per Month</u>	<u>Days Earned Per Month</u>	<u>Days of Maximum Accrual</u>
1-3	6.67	0.83	30
4-6	8.00	1.00	30
7-10	9.99	1.25	30
11-14	12.00	1.50	30
15th/Beyond	13.33	1.67	30

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2. Summary of Significant Accounting Policies (Cont'd)

K. Accrued Compensated Absences - Annual and Sick Leave (Cont'd)

Thirty (30) days of accrued annual leave may be carried forward into the beginning of the next calendar year and any excess is forfeited. When employees terminate, they are compensated for accumulated annual leave as of the date of termination, up to a maximum of thirty (30) days. Accrued annual leave is recorded as a non-current liability in the government-wide financial statements.

Employees who have over 600 hours of accumulated sick leave can receive payment for hours over 600, up to 120 hours on July 1 or January 1 of each year. However, sick leave is paid at fifty percent of the employee's regular hourly wage. At retirement, employees can receive fifty percent payment for up to 400 hours for the hours over 600 hours of accumulated sick leave. Therefore, the only leave which has been accrued represents the hours earned at June 30, 2010, over 600 hours up to 120 hours per employee. Expenditures for accumulated sick pay for hours under 600 hours will be recognized as employees take such absences. Accrued vested sick pay is recorded as a non-current liability in the government-wide financial statements.

Fair Labor Standards Act (FLSA) nonexempt employees accumulate compensation time at the rate of 1.5 times the number of hours worked, in excess of forty hours per week, based on their regular hourly rate. Exempt and classified employees who are FLSA exempt accumulate compensation time at the same rate as the number of hours worked. Overtime must be pre-approved by management. Payment of this liability can be made by compensated leave time or cash payment.

In accordance with GASB 16, accrued compensated absences consist of accumulated annual leave, sick leave between 600 and 720, and compensatory leave for employees, including the related employers' matching FICA and Medicare payroll taxes.

L. Reservations and Designations - Fund Balance

Reservations of fund balance in the governmental fund statements are created to either (1) satisfy legal covenants that require that a portion of the fund balance be segregated, or (2) identify the portion of the fund balance that is appropriated for future expenditures.

M. Net Assets

The government-wide financial statements utilize a net asset presentation. Net assets are categorized as investments in capital assets (net of related debt), restricted and unrestricted.

Investment in Capital Assets - is intended to reflect the portion of net assets which are associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost.

Restricted Assets - are liquid assets (generated from revenues and not bond proceeds appropriations), which have third-party (statutory enabling legislation or granting agency) limitation on their use, and which are legally enforceable as to their use.

Unrestricted Assets - represent unrestricted liquid assets.

The AODA allocates expenses to restricted or unrestricted resources based on the budgeted source of funds. It is the AODA's policy to first apply restricted resources when an expense is incurred for purposes for which both restricted and unrestricted net assets are available.

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June 30, 2010

2. Summary of Significant Accounting Policies (Cont'd)

N. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of American requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

O. Reversions to State General Fund

Any unexpended State General Fund appropriation balances remaining in SHARE funds #16800, #64500 and #94600 are generally reverted to the State General Fund. The General Appropriations Act, Chapter 124, Laws of 2009, Section 3, Paragraph N, states that "for the purpose of administering the General Appropriations Act of 2009, the State of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the Department of Finance and Administration." In accordance with the Department of Finance and Administration's "Basis of Accounting-Modified Accrual and the Budgetary Basis," the AODA has accrued as payables, amounts owed for goods and services received by June 30, 2010. Any remaining fund balance not specifically reserved is reverted to the State General Fund in accordance with Section 6-5-10, NMSA 1978. The AODA has both reverting and non-reverting funds which are commingled in the General Fund (#16800). The AODA calculates any reversions owing to the State General Fund at year end by taking the cash balance at year end and deducting all known non-reverting monies included in the cash balance. The remaining balance would be owing to the State General Fund. There were no remaining cash balances at year end which are owing to the State General Fund from General Fund #16800. All General Fund appropriations have been expended at June 30, 2010. Accordingly, no reversions have been recorded in the current year for State General Fund appropriations in General Fund #16800. There were unexpended balances in the Computer Enhancement Account (Fund # 64500) of \$5,121 and the Forensic Evaluation Account (Fund #94600) of \$12,590, totaling \$17,711, which will be reverted to the State General Fund.

In addition, unexpended balances of special appropriations are reverted when required by law.

P. Net Assets/Fund Equity

In the **government-wide financial statements**, net assets consist of three components: invested in capital assets, net of related debt; restricted; and unrestricted. The AODA has no debt related to capital assets; therefore, net assets invested in capital assets equal the capital assets, net of related accumulated depreciation. The AODA's financial statement does not show any net assets restricted because it does not have any resources remaining in the net assets that were received or earned with the explicit understanding between the AODA and the resource provider (grantor, contributor, other government, or enabling legislation) that the funds would be used for a specific purpose. Therefore, all remaining net assets that are not related to capital assets are shown as unrestricted.

In the **fund financial statements**, reservations of fund balance are created to either (1) satisfy legal covenants that require that a portion of the fund balance be segregated, or (2) identify the portion of the fund balance that is not appropriable for future expenditures. There were no reservations of fund balance at June 30, 2010.

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June 30, 2010

3. Cash (Investment in the State Treasurer General Fund Investment Pool)

Investment in the State Treasurer General Fund Investment Pool. All funds allotted to the AODA are held by the New Mexico State Treasurer. Deposits are non-interest bearing. Money deposited by the AODA with the State Treasurer is pooled and invested by the State Treasurer. The State Treasurer deposits monies with New Mexico financial institutions in denominations which generally are in excess of the \$250,000 in insurance coverage provided by federal agencies. Accordingly, the State Treasurer requires that depository financial institutions provide additional collateral for such investments. The collateral generally is in the form of marketable debt securities and is required in amounts ranging from 50% to 102% of the par value of the investment dependent upon the institutions operating results and capital. Collateral for the fiscal account is required in amounts equal to 50% of the average investment balance. Separate financial statements of the State Treasurer indicate collateral categories of risk and market value of purchased investments. All collateral is held in third-party safekeeping. A supplemental schedule of cash that the AODA held as of June 30, 2010, is presented in the financial statements as supplemental information. Cash on deposit with the State Treasurer in the General Fund Investment Pool consists of the following:

Name of Depository	Account Name	Fund Type	Agency Number	SHARE Fund Number	Type of Account	Interest Bearing	Depository Balance at 06/30/2010	Reconciled Balance at 6/30/2010
State Treasurer General Fund Investment Pool:								
NM State Treasurer	Administrative Office of the District Attorneys'	General	26400	16800	State Treasury	No	\$324,048	\$324,048
NM State Treasurer	Computer Enhancement	General	26400	64500	State Treasury	No	41,079	41,079
NM State Treasurer	Forensic Evaluation Program	General	26400	94600	State Treasury	No	236,905	236,905
NM State Treasurer	Statewide Victims Notification	Special Revenue	26400	10860	State Treasury	No	(540,358)	(540,358)
NM State Treasurer	Southwest Border Prosecution Initiative	Special Revenue	26400	91680	State Treasury	No	627,386	627,386
NM State Treasurer	Stop Violence Against Women (VAWA)	Special Revenue	26400	10830	State Treasury	No	(1,000)	(1,000)
NM State Treasurer	Ed Byrne Memorial Justice Assistance	Special Revenue	26400	10850	State Treasury	No	(171,849)	(171,849)
NM State Treasurer	ARRA of 2009	Special Revenue	26400	89000	State Treasury	No	(12,825)	(12,825)
Total Governmental Fund Types							<u>\$503,386</u>	<u>\$503,386</u>

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
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June 30, 2010

3. Cash (Investment in the State Treasurer General Fund Investment Pool) (Cont'd)

Cash accounts on deposit with the New Mexico State Treasurer do not require collateral to be pledged because they are deposits with another governmental entity. The AODA is not authorized to make investments. However, certain cash accounts are authorized to earn interest and are deposited by DFA into the New Mexico State Treasurer's Office Interest Bearing Pool. The pool invests in repurchase agreements secured at 102% by U. S. Treasury notes and bills, certificates of deposit and other interest bearing instruments. Because all monies are held by another governmental entity, Governmental Accounting Standards Board Statement # 3, "Deposit with Financial Institutions Investments (Including Repurchase Agreements)," and "Reverse Purchase Agreements" is not applicable. Deposits do not have to be classified according to custodial credit risk.

The State Treasurer has the power to invest money held in demand deposits and not immediately needed for the operation of state government in securities in accordance with Sections 6-10-10 I through P, NMSA 1978, as amended. The State Treasurer with the advice and consent of the state board of finance can invest money held in demand deposits and investments not immediately needed for the operation of state government in:

- (a) Securities issued by the United States (U.S.) government or by its departments or agencies and direct obligations of the U.S. or are backed by the full faith and credit of the U.S. government or agencies sponsored by the U.S. government;
- (b) Contracts for the present purchase and resale at a specified time in the future, not to exceed one year or, in the case of bond proceeds appropriations, not to exceed three years, of specific securities at specified prices at a price differential representing the interest income to be earned by the state. No such contract shall be invested in unless the contract is fully secured by obligations of the United States or other securities backed by the United States having a market value of at least one hundred two percent of the amount of the contract;
- (c) Contracts for the temporary exchange of state-owned securities for the use of broker-dealers, banks or other recognized institutional investors in securities, for periods not to exceed one year for a specified fee rate. No such contract shall be invested in unless the contract is fully secured by exchange of an irrevocable letter of credit running to the state, cash or equivalent collateral of at least one hundred two percent of the market value of the securities plus accrued interest temporarily exchanged. The collateral required for either of the forms of investment in sections (b) and (c) shall be delivered to the fiscal agent of New Mexico or its designee contemporaneously with the transfer of funds or delivery of the securities at the earliest time industry practice permits, but in all cases, settlement shall be on the same-day basis. Neither of the contracts in (b) or (c) shall be invested in unless the contracting bank, brokerage firm or recognized institutional investor has a net worth in excess of five hundred million dollars;
- (d) Any of the following investments in an amount not to exceed forty percent of any fund that the state treasurer invests: (1) commercial paper rated "prime" quality by a national rating service, issued by corporations organized and operating within the U.S.; (2) medium-term notes and corporate notes with a maturity not exceeding five years that are rated A or its equivalent or better by a nationally recognized rating service and that are issued by a corporation organized and operating in the U.S.; or (3) an asset-backed obligation with a maturity not exceeding five years that is rated AAA or its equivalent by a nationally recognized rating service;
- (e) Shares of an open-ended diversified investment company registered pursuant to the federal Investment Company Act of 1940 that invests in U.S. fixed income securities or debt instruments authorized pursuant to (a), (b) and (d) above provided that the investment company has total assets under management of at least one billion dollars and the investments made by the State Treasurer pursuant to this paragraph are less than five percent of the assets of the investment company; or,

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ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
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3. Cash (Investment in the State Treasurer General Fund Investment Pool) (Cont'd)

- (f) Individual, common or collective trust funds of banks or trust companies that invest in U.S. fixed income securities or debt instruments authorized pursuant to (a), (b) and (d) above provided that the investment manager has assets under management of at least one billion dollars and the investments made by the state treasurer pursuant to this paragraph are less than five percent of the assets of the individual, common or collective trust fund.

No public funds can be invested in negotiable securities or loans to financial institutions fully secured by negotiable securities at current market value shall be paid out unless there is a contemporaneous transfer of the securities at the earliest time industry practice permits, but in all cases, settlement shall be on a same-day basis either by physical delivery or, in the case of uncertificated securities, by appropriate book entry on the books of the issuer, to the purchaser or to a reputable third-party safekeeping financial institution acting as agent or trustee for the purchaser, which agent or trustee shall furnish timely confirmation to the purchaser.

For additional GASB 40 disclosure information regarding cash held by the State Treasurer, the reader should see the separate audit report for the State Treasurer's Office for the fiscal year ended June 30, 2010.

4. Due From/To Other State Agencies

The following are short-term amounts owed between other state agencies and are classified as due from other state agencies:

	<u>Purpose</u>	<u>Due From</u>	<u>Due To</u>
<u>Fund 16800-General Fund</u>			
Due to Department of Finance and Admin.	Payroll liability underpayment	\$ -	\$ 2,450
		-	2,450
<u>Fund 10830-Stop VAWA Special Revenue Fund</u>			
Due from Crime Victims Reparation Commission	Federal grant	1,000	-
<u>Fund 91680-Southwest Border Prosecution Initiative</u>			
Due to 1st District Attorney's Office	Southwest Border Prosecution Initiative	-	23,278
Due to 2nd District Attorney's Office	Southwest Border Prosecution Initiative	-	64,111
Due to 5th District Attorney's Office	Southwest Border Prosecution Initiative	-	70,690
Due to 11th, Div. 1 District Attorney's Office	Southwest Border Prosecution Initiative	-	173,243
Due to 12th District Attorney's Office	Southwest Border Prosecution Initiative	-	231,088
Due to 13th District Attorney's Office	Southwest Border Prosecution Initiative	-	36,976
		-	599,386
		<u>\$ 1,000</u>	<u>\$ 601,836</u>

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5. Due to State General Fund (Reversions)

Forensic Evaluation Account 94600 (General Fund Account)

Cash balance, June 30, 2010	\$	236,905	
Less: Accounts payable, June 30, 2010		(20,609)	
Due to other funds, June 30, 2010		(185,495)	
Due to State General Fund, June 30, 2010		30,801	\$ 30,801
Fiscal year 2007	\$	6,358	
Fiscal year 2008		11,853	
Fiscal year 2010		12,590	
	\$	30,801	

Computer Enhancement (General Fund 64500 Account)

Cash balance, June 30, 2010		41,079	
Less: Accounts payable, June 30, 2010		(21,943)	
Due to State General Fund, June 30, 2010		19,136	19,136
Fiscal year 2007	\$	5,382	
Fiscal year 2008		8,318	
Fiscal year 2009		315	
Fiscal year 2010		5,121	
		19,136	

All Funds

Due to State General Fund - all funds, June 30, 2010			\$ <u>49,937</u>
Fiscal year 2007	\$	11,740	
Fiscal year 2008		20,171	
Fiscal year 2009		12,905	
Fiscal year 2010		5,121	
	\$	49,937	

6. Accrued Payroll Payable

Accrued payroll payable at June 30, 2010 amounted to \$30,357. This amount represents 100% of the total payroll paid on July 2, 2010, for the pay period ended June 25, 2010, and 30% of the total payroll paid on July 16, 2010, for the pay period ended July 9, 2010.

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7. Capital Assets

The capital asset activity for the governmental activities for the year ended June 30, 2010, is as follows:

	<u>Balance</u> <u>June 30, 2009</u>	<u>Additions</u>	<u>(Deletions)</u>	<u>Balance</u> <u>June 30, 2010</u>
Capital assets -				
Furniture and equipment	\$ 26,678	\$ -	\$ -	\$ 26,678
Data processing equipment	400,798	42,613	(17,333)	426,078
Vehicles	273,697	80,555	(6,639)	347,613
Software	52,114	-	-	52,114
	<u>753,287</u>	<u>123,168</u>	<u>(23,972)</u>	<u>852,483</u>
Accumulated depreciation -				
Furniture and equipment	(25,573)	(1,104)	-	(26,677)
Data processing equipment	(281,619)	(44,608)	-	(326,227)
Vehicles	(160,685)	(60,637)	6,639	(214,683)
Software	(26,903)	-	-	(26,903)
	<u>(494,780)</u>	<u>(106,349)</u>	<u>6,639</u>	<u>(594,490)</u>
Net capital assets	<u>\$ 258,507</u>	<u>\$ 16,819</u>	<u>\$ (17,333)</u>	<u>\$ 257,993</u>

The AODA does not have any debt related to capital assets. Depreciation expense for the year was \$106,349 and is considered a public safety expense.

8. Changes in Long-Term Debt-Compensated Absences Payable

A summary of changes in the current and long-term portion of compensated absences follows:

	<u>Balance</u> <u>July 1, 2009</u>	<u>Increase</u>	<u>(Decrease)</u>	<u>Balance</u> <u>June 30, 2010</u>
Compensated absences - current	\$ 50,244	\$ 50,530	\$ (38,159)	\$ 62,615
Compensated absences - long-term	<u>24,947</u>	<u>19,969</u>	<u>(21,647)</u>	<u>23,269</u>
Total compensated absences	<u>\$ 75,191</u>	<u>\$ 70,499</u>	<u>\$ (59,806)</u>	<u>\$ 85,884</u>

Compensated absences are paid with state general fund appropriations revenue out of the SHARE Fund #16800.

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9. Operating Leases

The AODA leases certain office space and equipment under lease agreements with terms ranging from one year to five years with options to renew for additional one to seven year terms. Expenditures for operating leases and other rentals for the year ended June 30, 2010, were \$249,855. Future minimum lease rental payments under these operating leases are as follows (this does not include month-to-month rental payments):

<u>Year Ending June 30</u>	<u>Amount</u>
2011	\$137,180
2012	86,116
2013	66,548
2014	68,638
2015	70,728
Thereafter	<u>147,729</u>
Total	<u>\$576,939</u>

10. Fund Balance

Reservations of fund balance of the governmental funds are created to either (1) satisfy legal covenants that require that a portion of the fund balance be segregated or (2) identify the portion of the fund balance that is not appropriable for future expenditures.

There were reservations of fund balance at June 30, 2010 totaling \$5,947 for prepaid travel advances in the General Fund.

The unreserved/designated fund balance for the General Fund represents the amount of \$57,300 available for budgeting future operations from non-reverting Worthless Check and Pre-Prosecution Diversion Program funds per Section 36-1-28, NMSA, 1978. Federal Southwest Border Prosecution Initiative Program Special Revenue Funds amounting to \$178,637 are available for budgeting future operations for administrative purposes.

11. Pension Plan - Public Employees Retirement Association

Plan Description. Substantially all of the AODA'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 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 8.92% (ranges from 3.83% to 16.65% depending upon the plan, i.e., state general, municipal police, municipal fire, municipal detention officer) of their gross salary. The AODA is required to contribute 15.09% (ranges from 7.0% to 25.72% depending upon the plan) of the gross covered salary. The contribution requirements of plan members and the AODA are established in State statute under Chapter 10, Article 11, NMSA 1978. The requirements may be amended by acts of the legislature. The AODA's employer contributions to PERA for the years ending June 30, 2010, 2009 and 2008, were \$130,728, \$147,262, and \$114,285, respectively, equal to the amount of the required contributions for each year.

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12. Post Employment Benefits - State Retiree Health Care Plan

Plan Description. The AODA 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.

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. During the fiscal year ended June 30, 2010, the statute required each participating employer to contribute 1.3% of each participating employee's annual salary; each participating employee was required to contribute .65% of their salary. In the fiscal years ending June 30, 2011 through June 30, 2013 the contribution rates for employees and employers will rise as follows:

For employees who are not members of an enhanced retirement plan the contribution rates will be:

<u>Fiscal Year</u>	<u>Employer Contribution Rate</u>	<u>Employee Contribution Rate</u>
FY11	1.666%	.833%
FY12	1.834%	.917%
FY13	2.000%	1.000%

For employees who are members of an enhanced retirement plan (state police and adult correctional officer coverage plan 1; municipal police member coverage plans 3, 4 and 5; municipal fire member coverage plan 3, 4 and 5; municipal detention officer member coverage plan 1; and members pursuant to the Judicial Retirement Act [10-12B-1 NMSA 1978]) the contribution rates will be:

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010**

12. Post Employment Benefits - State Retiree Health Care Plan (Cont'd)

<u>Fiscal Year</u>	<u>Employer Contribution Rate</u>	<u>Employee Contribution Rate</u>
FY11	2.084%	1.042%
FY12	2.292%	1.146%
FY13	2.500%	1.250%

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

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

The AODA's contributions to the RHCA for the years ended June 30, 2010, 2009, and 2008, were \$11,103, \$14,589, and \$13,430, respectively, which equals the required contributions for the fiscal year.

13. Insurance Coverage - Risk Management

The AODA obtains coverage through Risk Management Division of the State of New Mexico General Services Department. This coverage includes liability and civil rights, property, vehicle, employer bond, workers' compensation, group insurance and state unemployment. These coverages are designed to satisfy the requirements of the State Tort Claims Act. All employees of the AODA are covered by blanket fidelity bond up to \$5,000,000 with a \$1,000 deductible per occurrence by the State of New Mexico for the period July 1, 2008, through June 30, 2010.

14. Transfers To/From Other State Agencies

<u>From Agency/Fund</u>	<u>To Agency/Fund</u>	<u>Amount</u>	<u>Purpose</u>
36900/85300	26400/16800	1,651,000	State General Fund appropriation
36900/85300	26400/64500	292,000	State General Fund appropriation
36900/85300	26400/94600	100,000	State General Fund appropriation
26400/91680	25300/93400	548,570	SWBPI-3rd DA
26400/91680	25600/16000	136,489	SWBPI-6th DA
26400/91680	26000/16400	30,500	SWBPI-10th DA
26400/94600	26500/27700	50,073	SWBPI-11th DA-Div. I
26400/91680	25900/94200	35,831	SWBPI-9th DA
26400/91680	25100/15500	23,278	SWBPI-Due to 1st DA
26400/91680	25200/26000	64,111	SWBPI-Due to 2nd DA
26400/91680	25500/15900	70,690	SWBPI-Due to 5th DA
26400/91680	26100/16500	173,243	SWBPI-Due to 11th DA, Div. I
26400/91680	26200/16600	231,088	SWBPI-Due to 12th DA
26400/91680	26300/16700	36,976	SWBPI-Due to 13th DA
26400/94600	36900/85300	12,590	Reversion to State General Fund - Forensic Evaluation
26400/64500	36900/85300	4,827	Reversion to State General Fund - Computer Enhancement Fund

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Notes to the Financial Statements
June 30, 2010**

15. Special and Other Specific Appropriations

<u>Fund/Fund No.</u>	<u>Appropriation Laws</u>	<u>Amount</u>	<u>Appropriation Period</u>	<u>Expenditures to Date</u>	<u>Unencumbered Balance</u>
General Fund 16800	Laws 2009, Ch. 124	\$1,651,000	7/1/09 - 6/30/10	\$1,651,000	\$ -
Computer Enhancement Fund 64500	Laws 2009, Ch. 124	292,000	7/1/09 - 6/30/10	286,879	5,121
Forensic Evaluation Fund 94600	Laws 2009, Ch. 124	100,000	7/1/09 - 6/30/10	87,410	<u>12,590</u>
Due to State General Fund, June 30, 2010					<u><u>\$17,711</u></u>

16. Prior-period Adjustments

General Fund - Fund 16800

Understatement in Due from Other State Agencies at June 30, 2009 TSB Grant-Traffic Resource Prosecutor	\$ 64,971
Overstatement of Interest Payable at June 30, 2009	100
Overstatement of Travel Advances Receivable at June 30, 2009	<u>(272)</u>
Total restatement to General Fund Fund Balance at June 30, 2009 and Net Assets in the Government-wide financial statements at June 30, 2009	<u><u>\$ 64,799</u></u>

COMBINING AND INDIVIDUAL FUND FINANCIAL STATEMENTS

General Fund

General Fund (General Operating Account Fund #16800 - reverting and non-reverting)

The General Fund is the general operating fund of the AODA and is used to account for all financial resources except those required to be accounted for in another fund. The General Fund is funded primarily through worthless check and pre-prosecution fees (non-reverting per Section 36-1-28, as indicated in note 1), State General Fund appropriations (reverting) and federal funds (non-reverting).

General Fund (Computer Enhancement Account Fund #64500 - reverting)

The Computer System Enhancement General Fund Account (Fund #64500) was originally authorized under Laws of 1996, Chapter 12, Section 7; Laws of 1999 (1st SS), Chapter 3, Section 5, Items 75 and Section 7, Item 2; and Laws of 2000, Chapter 5, Section 8, Item 1. The Computer Enhancement General Fund Account is funded through State General Fund appropriations. Its purpose is the purchase of computer equipment, hardware upgrades, and software consistent with the district attorneys' statewide automation plan. This fund is also considered a major individual fund under GASB 34 criteria and is an account of the AODA's General Fund.

General Fund (Forensic Evaluation Program Account Fund #94600 - reverting)

The Forensic Evaluation Program General Fund Account is used to account for departmental operations of the AODA's General Fund. The Forensic Evaluation Program Fund Account is funded through State General Fund appropriations. This fund is also considered a major individual fund under GASB 34 criteria and is an account of the AODA's General Fund.

Special Revenue Funds

Statewide Victims Notification Special Revenue Fund #10860 - non-reverting

The Statewide Victims Notification Special Revenue Fund is used to account for funds authorized pursuant to 42 U.S.C. 10603(a) (BJA-SAVIN) which ensures that victims of crime receive accurate and timely information regarding the status of offenders and events related to their cases. Funding is through the U.S. Department of Justice on a reimbursement basis.

Southwest Border Prosecution Initiative Special Revenue Fund #91680

The Southwest Border Prosecution Initiative Program (SWBPI) Special Revenue Fund is used to account for funds received from the US Department of Justice, Bureau of Justice Assistance, pursuant to Public Law 106-246, as amended by Public Law 106-554, authorizing the reimbursement of county and municipal governments in State of California, Texas, and the New Mexico state government, for specific categories of expenses associated with the handling and processing of federally initiated controlled substances cases along the Southwest Border with the prosecution of criminal cases declined by local U.S. Attorneys' offices. AODA submits reimbursement claims on behalf of the various NM district attorney's and funds flow through the AODA to the various district attorney's offices. While funds from the SWBPI federal payments may be used by applicant jurisdictions for any purpose not otherwise prohibited by federal law, using funds for the support and enhancement of prosecutorial and detention services is encouraged.

Stop Violence Against Women (VAWA) Grant Special Revenue Fund #10830

The Stop Violence Against Women (VAWA) Grant Special Revenue Fund is used to account for Victims of Crime Act (VOCA) Victims Assistance Grant Program Funds, US Department of Justice, passed through the State of New Mexico, Crime Victims Reparation Commission. These funds do not revert to the State General Fund. VOCA is authorized by the Crime Victims Reparation Commission (CVRC) as authorized by the Victims of Crime Act of 1984.

Ed Byrne Memorial Justice Assistance Special Revenue Fund #10850

The Ed Byrne Memorial Justice Assistance Special Revenue Fund is used to account for funds authorized pursuant to 42 U.S.C. 3751(a) of criminal justice funding to state and local jurisdictions to support a broad range of activities to prevent and control crime based on local needs and conditions. Funding is through the U.S. Department of Justice, through the State of New Mexico, Department of Public Safety on a reimbursement basis.

ARRA of 2009 Special Revenue Fund #89000

The ARRA of 2009 Special Revenue Fund is used to account for funds authorized by the FY 09 Recovery Act (BJA-Rural Law Enforcement) Pub. L. No. 111-5, 123 Stat. 115,130. The purpose of the grant is to combat crime and drugs and facilitating rural justice information system. Funding is through the U.S. Department of Justice and is on a reimbursement basis.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Combining Balance Sheet
Governmental Funds
All General Fund Accounts
June 30, 2010

	(Fund 16800) Operating Account	(Fund 64500) Computer Enhancement Account	(Fund 94600) Forensic Evaluation Account	Eliminations	Total General Fund
Assets					
Investment in the State Treasurer					
General Fund investment Pool	\$ 324,048	\$ 41,079	\$ 236,905	\$ -	\$ 602,032
Due from other funds	34,858	-	-	(34,858)	-
Due from federal government	26,672	-	-	-	26,672
Prepaid expenses	5,947	-	-	-	5,947
	<u>391,525</u>	<u>41,079</u>	<u>236,905</u>	<u>(34,858)</u>	<u>634,651</u>
Total assets	\$ 391,525	\$ 41,079	\$ 236,905	\$ (34,858)	\$ 634,651
Liabilities and Fund Balance					
Liabilities:					
Accounts payable	\$ 270,391	\$ 21,943	\$ 20,609	\$ -	\$ 312,943
Payroll taxes payable	11,553	-	-	-	11,553
Payroll benefits payable	18,322	-	-	-	18,322
Accrued payroll payable	25,562	-	-	-	25,562
Due to other state agencies (note 4)	2,450	-	-	-	2,450
Due to State General Fund (note 5)	-	19,136	30,801	-	49,937
Due to other funds	-	-	185,495	(34,858)	150,637
	<u>328,278</u>	<u>41,079</u>	<u>236,905</u>	<u>(34,858)</u>	<u>571,404</u>
Total liabilities	328,278	41,079	236,905	(34,858)	571,404
Fund Balance/Net Assets					
Fund balance:					
Reserved for prepaid travel advances	5,947	-	-	-	5,947
Unreserved-undesignated	57,300	-	-	-	57,300
	<u>63,247</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>63,247</u>
Total fund balance	63,247	-	-	-	63,247
Total liabilities and fund balance	\$ 391,525	\$ 41,079	\$ 236,905	\$ (34,858)	\$ 634,651

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
All General Fund Accounts
For the Year Ended June 30, 2010

	(Fund 16800) Operating Account	(Fund 64500) Computer Enhancement Account	(Fund 94600) Forensic Evaluation Account	Total General Fund
Revenues:				
Fees:				
Worthless check fees	\$ 94,873	\$ -	\$ -	\$ 94,873
Pre-prosecution fees	215,670	-	-	215,670
Intergovernmental	-	-	-	-
Federal funds - operating	102,336	-	-	102,336
Total revenues	<u>412,879</u>	<u>-</u>	<u>-</u>	<u>412,879</u>
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	1,254,237	-	-	1,254,237
Contractual services	66,129	-	-	66,129
Other	1,107,943	262,147	87,410	1,457,500
Capital outlay	95,520	24,732	-	120,252
Total expenditures	<u>2,523,829</u>	<u>286,879</u>	<u>87,410</u>	<u>2,898,118</u>
Excess (deficiency) of revenues over expenditures	<u>(2,110,950)</u>	<u>(286,879)</u>	<u>(87,410)</u>	<u>(2,485,239)</u>
Other financing sources (uses):				
Transfers in (out):				
State General Fund appropriation	1,651,000	292,000	100,000	2,043,000
Other financing uses-transfers (out)	-	-	(150,637)	(150,637)
Reversion to the State General Fund - FY 2010	-	(5,121)	(12,590)	(17,711)
Total other financing sources (uses)	<u>1,651,000</u>	<u>286,879</u>	<u>(63,227)</u>	<u>1,874,652</u>
Net change in fund balances	<u>(459,950)</u>	<u>-</u>	<u>(150,637)</u>	<u>(610,587)</u>
Fund balance-beginning , as reported	458,398	-	150,637	609,035
Restatement:				
Prior-period adjustment (note 16)	64,799	-	-	64,799
Fund balance-beginning, as restated	<u>523,197</u>	<u>-</u>	<u>150,637</u>	<u>673,834</u>
Fund balance- ending	<u>\$ 63,247</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 63,247</u>

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Combining Balance Sheet
Non-Major Governmental Funds
June 30, 2010

	<u>Special Revenue Funds</u>			Total Non-Major Governmental Funds
	<u>(Fund 10830)</u>	<u>(Fund 10850)</u>	<u>(Fund 89000)</u>	
	Stop VAWA Grant	Ed Byrne Memorial Justice Assistance	ARRA of 2009	
<u>Assets</u>				
Investment in the State Treasurer General				
Fund Investment Pool	\$ -	\$ -	\$ -	\$ -
Due from other state agencies	1,000	-	-	1,000
Due from federal government	-	183,832	17,958	201,790
	<u>-</u>	<u>183,832</u>	<u>17,958</u>	<u>201,790</u>
Total assets	\$ <u>1,000</u>	\$ <u>183,832</u>	\$ <u>17,958</u>	\$ <u>202,790</u>
<u>Liabilities and Fund Equity</u>				
Liabilities:				
Investment in the State Treasurer General				
Fund Investment Pool-deficit (note 2)	\$ 1,000	\$ 171,849	\$ 12,825	\$ 185,674
Accounts payable	-	11,983	-	11,983
Payroll taxes payable	-	-	1,029	1,029
Payroll benefits payable	-	-	854	854
Accrued payroll payable	-	-	3,250	3,250
Due to other state agencies	-	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total liabilities	<u>1,000</u>	<u>183,832</u>	<u>17,958</u>	<u>202,790</u>
Fund Equity:				
Unreserved, undesignated	-	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total fund equity	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total liabilities and fund equity	\$ <u>1,000</u>	\$ <u>183,832</u>	\$ <u>17,958</u>	\$ <u>202,790</u>

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Combining Statement of Revenues, Expenditures, and
Changes in Fund Balances
Non-Major Governmental Funds
Year Ended June 30, 2010

	<u>Special Revenue Funds</u>			<u>Total Non-Major Governmental Funds</u>
	<u>(Fund 10830)</u>	<u>(Fund 10850)</u>	<u>(Fund 89000)</u>	
	<u>Stop VAWA Grant</u>	<u>Ed Byrne Memorial Justice Assistance</u>	<u>ARRA of 2009</u>	
Revenues:				
Federal funds	\$ 29,522	\$ 183,832	\$ 17,958	\$ 231,312
Total revenues	<u>29,522</u>	<u>183,832</u>	<u>17,958</u>	<u>231,312</u>
Expenditures:				
Judicial:				
Current:				
Personal services and employee benefits	-	-	17,958	17,958
Contractual services	1,000	-	-	1,000
Other costs	11,189	183,832	-	195,021
Capital outlay	17,333	-	-	17,333
Total expenditures	<u>29,522</u>	<u>183,832</u>	<u>17,958</u>	<u>231,312</u>
Change in fund balance	-	-	-	-
Fund balance, beginning of year	-	-	-	-
Fund balance, end of year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The accompanying notes are an integral part of the financial statements.

INDIVIDUAL FUND BUDGET COMPARISON SCHEDULES

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Governmental Funds
General Fund Accounts
All Activities (Funds 16800, Fund 64500 and 94600)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ 2,043,000	\$ 2,043,000	\$ 2,043,000	\$ -
Federal funds	103,259	103,259	102,336	(923)
Other state funds	215,965	280,765	310,543	29,778
Other financing sources	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total revenues	2,362,224	2,427,024	\$ <u>2,455,879</u>	\$ <u>28,855</u>
Cash balance re-budgeted	<hr/>	<hr/>		
	609,035	609,035		
	<hr/>	<hr/>		
Total budgeted revenues	\$ <u>2,971,259</u>	\$ <u>3,036,059</u>		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 1,274,959	\$ 1,274,959	\$ 1,254,237	\$ 20,722
Contractual services	74,500	74,500	66,129	8,371
Other	1,621,800	1,686,600	1,577,752	108,848
Other financing uses-transfers out	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total expenditures	\$ <u>2,971,259</u>	\$ <u>3,036,059</u>	\$ <u>2,898,118</u>	\$ <u>137,941</u>
Reconciliation of GAAP basis to budget basis:				
		<u>Revenues</u>	<u>Expenditures</u>	
GAAP basis:		\$ 2,455,879	\$ 3,048,755	
Adjustments:				
Transfers (out) to new fund		<hr/>	<hr/>	
		-	(150,637)	
Budget basis		\$ <u>2,455,879</u>	\$ <u>2,898,118</u>	

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Governmental Funds
General Fund Accounts
Operating Account (Fund 16800)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ 1,651,000	\$ 1,651,000	\$ 1,651,000	\$ -
Federal funds	103,259	103,259	102,336	(923)
Other state funds	215,965	280,765	310,543	29,778
	<u>1,970,224</u>	<u>2,035,024</u>	<u>\$ 2,063,879</u>	<u>\$ 28,855</u>
Total revenues				
Cash balance re-budgeted	<u>609,035</u>	<u>609,035</u>		
Total budgeted revenues	<u>\$ 2,579,259</u>	<u>\$ 2,644,059</u>		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 1,274,959	\$ 1,274,959	\$ 1,254,237	\$ 20,722
Contractual services	74,500	74,500	66,129	8,371
Other	1,229,800	1,294,600	1,203,463	91,137
	<u>2,579,259</u>	<u>2,644,059</u>	<u>2,523,829</u>	<u>120,230</u>
Total expenditures				
Reconciliation of GAAP basis to budget basis:				
GAAP basis		<u>\$ 2,063,879</u>	<u>\$ 2,523,829</u>	
Adjustments: none		<u>-</u>	<u>-</u>	
Budget basis		<u>\$ 2,063,879</u>	<u>\$ 2,523,829</u>	

Note:

The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Governmental Funds
General Fund Accounts
Computer Enhancement Fund (Fund 64500)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	Original Approved Budget	Final Approved Budget	Actual Budget Basis	Variance Favorable (Unfavorable)
Revenues:				
General Fund appropriations	\$ 292,000	\$ 292,000	\$ 292,000	\$ -
Federal funds	-	-	-	-
Other financing sources-transfers in	-	-	-	-
Total revenues	292,000	292,000	\$ 292,000	\$ -
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 292,000	\$ 292,000		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ -	\$ -	\$ -	\$ -
Other	292,000	292,000	286,879	5,121
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 292,000	\$ 292,000	\$ 286,879	\$ 5,121
Reconciliation of GAAP basis to budget basis:				
GAAP basis:		<u>Revenues</u>	<u>Expenditures</u>	
		\$ 292,000	\$ 286,879	
Adjustments:				
None		-	-	
Budget basis		\$ 292,000	\$ 286,879	

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Governmental Funds
General Fund Accounts
Forensic Evaluation Program Account (Fund 94600)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ 100,000	\$ 100,000	\$ 100,000	\$ -
Federal funds	-	-	-	-
Other financing sources-transfers in	-	-	-	-
Total revenues	100,000	100,000	\$ 100,000	\$ -
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 100,000	\$ 100,000		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ -	\$ -	\$ -	\$ -
Other	100,000	100,000	87,410	12,590
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 100,000	\$ 100,000	\$ 87,410	\$ 12,590

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis:	\$ 100,000	\$ 238,047
Adjustments:		
Transfer (out) to new fund	-	(150,637)
Budget basis	\$ 100,000	\$ 87,410

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Non-Major Governmental Funds
Special Revenue Funds
Combining of All Non-Major Special Funds
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ -	\$ -	\$ -	\$ -
Federal funds	535,745	535,745	231,312	(304,433)
Other financing sources-transfers in	-	-	-	-
Total revenues	535,745	535,745	\$ 231,312	\$ (304,433)
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 535,745	\$ 535,745		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 266,512	\$ 266,512	\$ 17,958	\$ 248,554
Contractual services	36,400	60,400	4,423	55,977
Other	232,833	208,833	208,931	(98)
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 535,745	\$ 535,745	\$ 231,312	\$ 304,433

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis:	\$ 231,312	\$ 231,312
Adjustments:		
None	-	-
Budget basis	\$ 231,312	\$ 231,312

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Non-Major Governmental Funds
Special Revenue Funds
Stop VAWA Grant (Fund 10830)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ -	\$ -	\$ -	\$ -
Federal funds	44,233	44,233	29,522	(14,711)
Other financing sources-transfers in	-	-	-	-
Total revenues	44,233	44,233	\$ 29,522	\$ (14,711)
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 44,233	\$ 44,233		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ -	\$ -	\$ -	\$ -
Contractual services	1,400	1,400	1,000	400
Other	42,833	42,833	28,522	14,311
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 44,233	\$ 44,233	\$ 29,522	\$ 14,711

Reconciliation of GAAP basis to budget basis:	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis:	\$ 29,522	\$ 29,522
Adjustments:		
None	-	-
Budget basis	\$ 29,522	\$ 29,522

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Non-Major Governmental Funds
Special Revenue Funds
Ed Byrne Memorial Justice Assistance (Fund 10850)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	Original Approved Budget	Final Approved Budget	Actual Budget Basis	Variance Favorable (Unfavorable)
Revenues:				
General Fund appropriations	\$ -	\$ -	\$ -	\$ -
Federal funds	225,000	225,000	183,832	(41,168)
Other financing sources-transfers in	-	-	-	-
Total revenues	225,000	225,000	\$ 183,832	\$ (41,168)
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 225,000	\$ 225,000		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ -	\$ -	\$ -	\$ -
Contractual services	35,000	59,000	3,423	55,577
Other	190,000	166,000	180,409	(14,409)
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 225,000	\$ 225,000	\$ 183,832	\$ 41,168

Reconciliation of GAAP basis to budget basis:

	Revenues	Expenditures
GAAP basis:	\$ 183,832	\$ 183,832
Adjustments:		
None	-	-
Budget basis	\$ 183,832	\$ 183,832

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Non-Major Governmental Funds
Special Revenue Funds
ARRA of 2009 (Fund 89000)
Schedule of Revenues and Expenditures
Budget and Actual (Budget Basis)
Year Ended June 30, 2010

	<u>Original Approved Budget</u>	<u>Final Approved Budget</u>	<u>Actual Budget Basis</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues:				
General Fund appropriations	\$ -	\$ -	\$ -	\$ -
Federal funds	266,512	266,512	17,958	(248,554)
Other financing sources-transfers in	-	-	-	-
Total revenues	266,512	266,512	\$ 17,958	\$ (248,554)
Cash balance re-budgeted	-	-		
Total budgeted revenues	\$ 266,512	\$ 266,512		
Expenditures:				
Current:				
General government:				
Personal services and employee benefits	\$ 266,512	\$ 266,512	\$ 17,958	\$ 248,554
Contractual services	-	-	-	-
Other	-	-	-	-
Other financing uses-transfers out	-	-	-	-
Total expenditures	\$ 266,512	\$ 266,512	\$ 17,958	\$ 248,554

Reconciliation of GAAP basis to budget basis:

	<u>Revenues</u>	<u>Expenditures</u>
GAAP basis:	\$ 17,958	\$ 17,958
Adjustments:		
None	-	-
Budget basis	\$ 17,958	\$ 17,958

Note: The actual expenditures on the budget basis do not include any accounts payable that required a request to pay prior-year bills out of the FY 2011 budget.

The accompanying notes are an integral part of the financial statements.

SINGLE AUDIT INFORMATION

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Expenditures of Federal Awards
For Year Ending June 30, 2010

Federal Grantor/Pass Through Grantor/Program Title	Federal Catalog of Domestic Assist. Number	Pass- Through Entity/Grant Identifying Number	Award Amount	Federal Expenditures	To Sub- recipients
U.S. Department of Justice:					
Automated Victim Information and Notification Savin Automation Project MAJOR	16.740	2009-VN-CX-0013	\$ 1,336,922	\$ 627,559	\$ -
ARRA of 2009 Recovery Act-Rural Law Enforcement	16.810	2009-SD-B9-0192	266,512	17,958	-
Southwest Border Prosecution Initiative- Direct flow-through MAJOR	16.755	2009BWBXO8AO790 2009BWBXO8803833	1,428,848	1,400,848	1,400,848
NM Department of Public Safety Ed Byrne Memorial Justice Assistance	16.738	DPSJAG09AODA	225,000	183,832	-
NM Crime Victims Reparation Commission Stop Violence Against Women (VAWA)	16.588	2008-WF-AX-00018	44,233	29,522	-
Total U.S. Department of Justice				<u>2,259,719</u>	<u>1,400,848</u>
U.S. Department of Transportation:					
National Highway Traffic Administration: NM Department of Transportation: Traffic Safety Resource Prosecutor	20.608	10-AL-64P15	103,259	102,335	-
Total U.S. Department of Transportation				<u>102,335</u>	<u>-</u>
Total Expenditure of Federal Awards				<u>\$ 2,362,054</u>	<u>\$ 1,400,848</u>

The accompanying notes are an integral part of this schedule.

STATE OF NEW MEXICO
 ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
 Notes to the Schedule of Expenditures of Federal Awards
 June 30, 2010

1. **Basis of Presentation**

The accompanying schedule of expenditures of federal awards includes the federal grant activity of the Administrative Office of the District Attorneys (AODA) and is presented on the accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Therefore, some amounts presented in this schedule may differ from amounts presented, or used in the preparation of the basic financial statements.

2. **Reconciliation of Schedule to Basic Financial Statements**

Expenditures per Schedule of Expenditures of Federal Awards	\$2,362,054
Add: Designated administrative funds available for budgeting in subsequent years	<u>28,000</u>
Federal revenues per the Fund Financial Statements	<u>\$2,390,054</u>

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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

Kelly Kuenstler, MPA, Director
Administrative Office of the District Attorneys
and
Mr. Hector H. Balderas
New Mexico State Auditor
Santa Fe, New Mexico

We have audited the financial statements of the governmental activities, each major fund, the budgetary comparisons for the general fund and major special revenue funds, and the combining and individual funds, and budgetary comparisons presented as supplemental information of the State of New Mexico, Administrative Office of the District Attorneys (AODA), a component unit of the State of New Mexico, as of and for the year ended June 30, 2010, and have issued our report thereon dated December 6, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the State of New Mexico, Administrative Office of the District Attorneys' internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the State of New Mexico, Administrative Office of the District Attorneys' internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the State of New Mexico, Administrative Office of the District Attorneys' internal control over financial reporting.

Our consideration of the internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in the internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control over financial reporting that we consider to be material weaknesses.

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 a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying Schedule of Findings and Responses to be material weaknesses (2009-1 and 2010-1).



Compliance and Other Matters

As part of obtaining reasonable assurance about whether the State of New Mexico, Administrative Office of the District Attorneys' financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under **Government Auditing Standards** and which are described in the accompanying Schedule of Findings and Responses as items 2008-1 and 2009-1.

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

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



Robert J. Rivera, CPA, PC
Santa Fe, New Mexico
December 6, 2010

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REPORT ON COMPLIANCE WITH REQUIREMENTS APPLICABLE TO EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH OMB CIRCULAR A-133

Kelly Kuenstler, MPA, Director
Administrative Office of the District Attorneys
and
Mr. Hector H. Balderas
New Mexico State Auditor
Santa Fe, New Mexico

Compliance

We have audited the State of New Mexico, Administrative Office of the District Attorneys (AODA) compliance with the types of compliance requirements described in the **U. S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement** that are applicable to each of its major federal programs for the year ended June 30, 2010. The AODA's major federal programs are identified in the summary of auditor's results section of the accompanying *Schedule of Findings and Questioned Costs*. Compliance with the requirements referred to above is the responsibility of the AODA's management. Our responsibility is to express an opinion on the AODA's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in **Government Auditing Standards**, issued by the Comptroller General of the United States; and (OMB) Circular A-133, **Audits of States, Local Governments and Non-Profit Organizations**. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program identified in the accompanying schedule of findings and questioned costs occurred. An audit includes examining, on a test basis, evidence about the AODA's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination on the AODA's compliance with those requirements.

In our opinion, the AODA complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal programs identified in the accompanying schedule of findings and questioned costs for the year ended June 30, 2010.

Internal Control Over Compliance

Management of the AODA is responsible for establishing and maintaining effective internal control over compliance with the compliance requirements referred to above. In planning and performing our audit, we considered the AODA's internal control over compliance with the requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly we do not express an opinion on the effectiveness of the AODA's internal control over compliance.



A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance 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 deficiencies, significant deficiencies, or material weaknesses in internal control over compliance. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

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



Robert J. Rivera, CPA, PC
Santa Fe, New Mexico
December 6, 2010

**STATE OF NEW MEXICO
 ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
 Schedule of Findings and Questioned Costs
 (Single Audit-Federal Award Programs)
 Year Ended June 30, 2010**

I. SUMMARY OF AUDIT RESULTS

1. The auditor's report expresses an unqualified opinion on the basic financial statements and the individual fund financial statements of the State of New Mexico, Administrative Office of the District Attorneys .
2. Two significant deficiencies disclosed during the audit of the financial statements of the State of New Mexico, Administrative Office of the District Attorneys. Two of the deficiencies are reported as material weaknesses.
3. No instances of noncompliance material to the financial statements of the State of New Mexico, Administrative Office of the District Attorneys, which would be required to be reported in accordance with **Government Auditing Standards**, were disclosed during the audit.
4. No deficiencies in internal control over major federal award programs disclosed during the audit is reported in the audit of the State of New Mexico, Administrative Office of the District Attorneys.
5. The auditor's report on compliance for the major federal award programs for the State of New Mexico, Administrative Office of the District Attorneys expresses an unqualified opinion on all major federal programs.
6. Audit findings that are required to be reported in accordance with Section 510(a) of OMB Circular A-133 are reported in this Schedule. There were none.
7. The programs tested as major programs including the following:

<u>CFDA Number</u>	<u>Name of Federal Program</u>
	US Department of Justice
16.740	Automated Victim Information and Notification
16.755	Southwest Border Prosecution Initiative Program

8. The threshold for distinguishing between Types A and B programs was \$300,000
9. The Administrative Office of the District Attorneys does **not** qualify as a low-risk auditee.

II. FINDINGS and QUESTIONED COSTS - MAJOR FEDERAL AWARD PROGRAMS AUDIT

			<u>Questioned Costs</u>
US DEPARTMENT OF JUSTICE			
CFDA	16.740	Automated Victim Information and Notification	None
CFDA	16.755	Southwest Border Prosecution Initiative Program	None

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Findings and Questioned Costs
(Single Audit-Federal Award Programs)
Year Ended June 30, 2010**

III. STATUS OF PRIOR AUDIT FINDINGS and QUESTIONED COSTS - MAJOR FEDERAL AWARD PROGRAMS

A Single Audit for major Federal award programs was not required in the prior year.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Findings and Responses
Year Ended June 30, 2010**

I. PRIOR-YEAR AUDIT FINDINGS

a. Repeated in current-year

- 2008-1 Failure to Revert Unexpended State General Fund Appropriations to the State General Fund - (compliance)
- 2009-1 Payment for Services Not Rendered - (Significant Deficiency, Material Weakness and Compliance)

b. Resolved and not included in current-year

- 2007-1 Timely Payment of Vendor Invoices (significant deficiency)
- 2007-2 Revenue/Deposits Classification (significant deficiency)

II. CURRENT YEAR FINDINGS PERTAINING TO THE FINANCIAL STATEMENTS WHICH ARE REQUIRED TO BE REPORTED

2008-1 Failure to Revert Unexpended State General Fund Appropriations to the State General Fund (Modified and Repeated) - (Compliance)

Condition

As of June 30, 2007, the Office's Computer Enhancement Fund (SHARE Fund No. 64500) and the Forensic Evaluation Fund (SHARE Fund No. 94600) had liabilities of \$5,382 and \$6,358 respectively owing to the State General Fund resulting from unexpended balances in these accounts. These amounts should have been transferred to the State General Fund by October 1, 2007. The Office has not transferred the monies to the State General Fund.

As of June 30, 2008, the Office's Computer Enhancement Fund (SHARE Fund No. 64500) and the Forensic Evaluation Fund (SHARE Fund No. 94600) had additional liabilities of \$8,318 and \$11,853 respectively owing to the State General Fund resulting from unexpended balances in these accounts related to FY 2008 which should have been transferred to the State General Fund by October 1, 2008. The Office has not transferred the monies to the State General Fund.

As of June 30, 2010, the Office has not transferred the monies to the State General Fund from either of the Office's funds. (Fund 64500 - \$13,700 and Fund 94600 - \$18,211), for a total of \$31,911.

Criteria

Section 3 of the General Appropriations Act of 2006, being Laws 2006, Chapter 109 and Section 3 of the General Appropriations Act of 2007, being Laws 2007, Chapter 28, requires any unencumbered general fund balances in agency accounts remaining at the end of fiscal year 2007 and fiscal year 2008 respectively, shall revert to the general fund by October 1, 2007 and October 1, 2008 respectively, unless otherwise indicated.

There was no indication in either General Appropriations Act that general fund balances should not revert.

STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Findings and Responses
Year Ended June 30, 2010

II. CURRENT YEAR FINDINGS PERTAINING TO THE FINANCIAL STATEMENTS WHICH ARE REQUIRED TO BE REPORTED (Cont'd)

2008-1 Failure to Revert Unexpended State General Fund Appropriations to the State General Fund (Modified and Repeated) - (Compliance) (Cont'd)

Criteria (Cont'd)

In addition, Section 6-5-10 NMSA 1978, requires "all unreserved, undesignated fund balances in reverting funds and accounts as reflected in the central accounting system as of June 30 shall revert by September 30, to the general fund. The division may adjust the reversion within forty-five days of release of the audit report for that fiscal year."

Cause

The Office was aware of the reverting requirements but failed to meet the reversion deadlines.

Effect

The Office did not comply with the provisions of the General Appropriation Acts, nor with the provisions of Section 6-5-10, NMSA 1978.

Recommendation

We recommend that the Office comply with the reversion provisions of the annual General Appropriations Act as required by Section 6-5-10, NMSA 1978.

Department Response

In December of 2009 this agency sought out the assistance of the Department of Finance and Administration (DFA), Comprehensive Annual Financial Report (CAFR) unit, to enter these reversions and adjustments. At that time it was understood that the reversions were entered and that the actions were completed. In addition, part of the reversion for FY09 was done by way of operating transfer and it was posted on September 28, 2009. AODA will correct this issue by continuing to enter the adjustments and will now prepare journals to complete the process in a timely manner.

The CFO states that he believed the balance of funds 64500 and 94600 should not have reverted because they were actually general fund monies that should have been adjusted to show spent which would have increased the PPD and Worthless check balances. AODA has consolidated these funds to correct this issue.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Findings and Responses
Year Ended June 30, 2010**

II. CURRENT YEAR FINDINGS PERTAINING TO THE FINANCIAL STATEMENTS WHICH ARE REQUIRED TO BE REPORTED (Cont'd)

2009-1 Payment for Services Not Rendered - (Material Weakness and Compliance)

Condition

A payment of \$23,140.38 was made to the Public Employees Retirement Association to purchase Additional Service Credit (Air Time) on behalf of a former employee of the Office. This appears to be in violation of the "anti-donation clause" of the New Mexico Constitution. The Office has been unable to produce documentation that would support the legality of this payment.

Criteria

Article IX, Section 14 of the New Mexico Constitution prohibits any donation to or in aid of any person.

Cause

The Office, with the approval of the Department of Finance and Administration, made payment to the Public Employees Retirement Association on behalf of the former employee.

Effect

The Office has made a possibly illegal payment in violation of the "anti-donation clause" of the New Mexico Constitution.

Recommendation

We recommend that the Office comply with the provisions of Article IX, Section 14 of the New Mexico Constitution which prohibits any donation to or in aid of any person. If the Office cannot produce documentation to support this payment, we further recommend that action be taken to recover the aforementioned payment from the former employee.

Entity Response

This finding was submitted to the Attorney General's Office in December of 2009 where it is currently being investigated. The finding was also submitted to the State Auditor's Office in December of 2009 by the Administrative Office of the District Attorneys. Until a formal opinion is received from the Attorney General's Office, the agency cannot act on this finding.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
Schedule of Findings and Responses
Year Ended June 30, 2010**

II. CURRENT YEAR FINDINGS PERTAINING TO THE FINANCIAL STATEMENTS WHICH ARE REQUIRED TO BE REPORTED (Cont'd)

2010-1 Reconciliation of Accounting Records (SHARE) - (Material Weakness)

Condition

During the year, the AODA did not monitor and reconcile all general ledger accounts. Grant reimbursement receivables and revenues were not reconciled in order to accurately record revenues and receivables in the proper accounting period. In addition, certain SHARE system payroll tax and other liability accounts were not adjusted to the correct balances.

Criteria

In accordance with State Auditor Rule 2.2.2.8J(2), the AODA is responsible for maintaining a complete and accurate set of books and records that are properly adjusted and ready for audit.

Cause

AODA accounting personnel are not properly and timely reviewing and reconciling the SHARE general ledger. In addition, the DFA is not recording some of the auditor adjustments at year-end which relate to payroll tax liability, payroll benefits liability, and other liabilities which would bring certain balance sheet accounts to their correct amount.

Effect

As a result of not monitoring and reconciling all general ledger accounts, accounting transactions may not be recorded in the proper accounting period. In addition, since certain SHARE system payroll tax and other liability accounts were not posted to the general ledger by the DFA, the correct balances are not reflected in the general ledger. For audit report financial statement presentation, however, all of the auditors adjusting journal entries are reflected.

Recommendation

We recommend that the AODA monitor and reconcile all general ledger accounts on a monthly basis. Account balances in the general ledger should be adjusted to reflect their accurate balances. In addition, we recommend that the AODA continue to work with the DFA in order to correct SHARE system payroll tax liability and other liability accounts balances.

Entity Response

During FY10 the CFO did monitor and reconcile using methods that he has been using for years. There were mistakes found during the CFO's reconciliation and corrected using this method and there were also errors that the CFO was aware of but thought it would be better to be corrected after the audit by way of Audit Adjustments. The CFO believes that good records were kept of financial transactions. The CFO has starting seeking alternative methods of reconciling in order to better comply with the reconciliation of accounting records rule.

The Director of AODA has instructed the CFO that he will monitor and reconcile all general ledger accounts on a monthly basis and that account balances will be adjusted monthly to reflect accurate balances. This reconciliation will be delivered to the Director on the 20th of each month effective immediately.

The payroll tax and benefits liabilities were not adjusted because AODA was instructed by DFA to not post or adjust these. Financial Control Payroll Department was going to manually adjust for AODA. This did not happen and new instructions were given out which were not accurate for some Agencies. AODA is currently working with DFA to get this corrected and adjusted.

**STATE OF NEW MEXICO
ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS
June 30, 2010**

Financial Statement Preparation

The financial statements were prepared by the independent certified public accountant performing the audit with the assistance of the AODA staff. Management is responsible for ensuring that the books and records adequately support the preparation of financial statements in accordance with generally accepted accounting principles and that records are current and in balance. Management has reviewed and approved the financial statements.

Exit Conference

An exit conference was held on December 10, 2010, to discuss the audit. The following individuals were in attendance:

State of New Mexico - Administrative Office of the District Attorneys

Kelly Kuenstler, MPA, Director
Filemon Gonzalez, Chief Financial Officer

This report was also discussed December 10, 2010, with the Honorable Richard Flores, Fourth Judicial District Attorney who is a member of the New Mexico District Attorney's Association.

Audit Firm (Robert J. Rivera, CPA, PC)

Robert J. Rivera, CPA