STATE OF NEW MEXICO

GREATER CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

Independent Accountants' Report on Applying Tier 5 Agreed-Upon Procedures

For the Year Ended June 30, 2010

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STATE OF NEW MEXICO

GREATER CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

OFFICIAL ROSTER
JUNE 30, 2010

Board of Directors

Name	Title
Mark Trujillo	President
Robert Martinez	Vice-President
Geraldine Baca	Treasurer
Shelley Winship	Secretary
Gene	eral Counsel
Ted Trujillo	General Counsel

Certified Public Accountant

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

To: Board of Directors
Greater Chimayo Mutual Domestic
Water Consumers Association
and
Honorable Timothy M. Keller
New Mexico State Auditor
Santa Fe, New Mexico

I have performed the procedures enumerated below which were agreed to by State of New Mexico Greater Chimayo Mutual Domestic Water Consumers Association ("Association") and the New Mexico State Auditor (the specified parties), solely to assist users in evaluating the Association's financial reporting relating to its Cash, Capital Assets, Revenues, Expenditures, Journal Entries, Budget and Capital Outlay information and its compliance with Section 12-6-3(B) NMSA 1978 and Section 2.2.2.16 NMAC, as of and for the year ended June 30, 2010. The Association is responsible for its financial reporting as described above. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, I make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

In accordance with Tier 5 of the Audit Act – Section 12-6-3 B (5) NMSA 1978 and Section 2.2.2.16 NMAC, my procedures and associated findings are as follows:

1. CASH

Procedures

a) Determine whether bank reconciliations are being performed in a timely manner and whether all bank and investment statements for the fiscal year are complete and on-hand. For purposes of performing my procedures "timely" means completion of the bank reconciliations within one month after the last day of the reporting month and "complete" means that statements for bank and investment accounts are all accounted for by the Association.

- b) Perform a random test of bank reconciliations for accuracy. Also, trace ending balances to the general ledger, supporting documentation and the financial reports submitted to Department of Finance & Administration Local Government Division (DFA-LGD). For purposes of performing my procedures "accuracy" means that reconciling items agree to deposit slips and subsequent bank or investment statements, and the reconciliations are mathematically correct.
- c) Determine whether the local public body's financial institutions have provided it with the 50% of pledged collateral on all uninsured deposits as required by Section 6-10-17 NMSA 1978, NM Public Money Act, if applicable.

Findings

6 of 12 operating account bank reconciliations, 9 of 12 savings account reconciliations, and 1 of 1 BOR II account reconciliations were not completed. Of the 9 reconciliations that were completed, 6 were not completed timely. Of the 9 completed bank reconciliations, one was not completed accurately. See finding 2010-001. The Association did not submit any reports to DFA-LGD, see finding 2009-006. Pledged collateral was not required because all bank accounts were fully insured throughout the fiscal year.

2. CAPITAL ASSETS

Procedures

Verify that the local public body is performing a yearly inventory as required by Section 12-6-10 NMSA 1978.

Findings

The Association did not perform a yearly inventory as required by Section 12-6-10 NMSA 1978, see finding 2009-004.

3. REVENUE

Procedures

Identify the nature and amount of revenue from sources by reviewing the budget, agreements, rate schedules, and underlying documentation.

a) Perform an analytical review; test actual revenue compared to budgeted revenue for the year for each type of revenue.

Test 50% of the total amount of revenues for the following attributes:

b) Amount recorded in the general ledger agrees to the supporting documentation and the bank statement.

c) Proper recording of classification, amount, and period per review of supporting documentation and the general ledger. Perform this revenue work on the same accounting basis that the local public body keeps its accounting records on, cash basis, modified accrual basis, or accrual basis.

Findings

Revenues could not be compared to budgeted because a budget was not prepared for the current fiscal year. See finding 2009-003. A sample of 34 cash receipts were tested. All deposits were agreed to billing reports without exception. A general ledger was not provided, therefore it could not be determined whether cash receipts were posted accurately or timely, see finding 2010-002.

4. EXPENDITURES

Procedures

Select a sample of cash disbursements and test at least 25 transactions and 50% of the total amount of expenditures for the following attributes:

- a) Determine that amount recorded as disbursed agrees to adequate supporting documentation. Verify that amount, payee, date and description agree to the vendor's invoice, purchase order, contract and cancelled check, as appropriate.
- b) Determine that disbursements were properly authorized and approved in compliance with the budget, legal requirements and established policies and procedures.
- c) Determine that the bid process (or request for proposal process if applicable), purchase orders, contracts and agreements were processed in accordance with the New Mexico Procurement Code (Section 13-1-28 through 13-1-99 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC) and Regulations Governing the Per Diem and Mileage Act (2.42.2 NMAC).

<u>Findings</u>

There was no invoice provided for 3 of 25 disbursements, totaling \$6,343. See finding 2010-003. Approvals were not documented for 25 of 25 disbursements tested, totaling \$94,479. See finding 2010-003. Documentation of procurement was not provided for 1 of 25 disbursements tested in the amount of \$80,162. See finding 2010-004.

5. JOURNAL ENTRIES

Procedures

If non-routine journal entries, such as adjustments or reclassifications, are posted to the general ledger, test significant items for the following attributes:

- a) Journal entries appear reasonable and have supporting documentation.
- b) The local public body has procedures that require journal entries to be reviewed and there is evidence the reviews are being performed.

Findings

5 of 7 journal entries tested had no supporting documentation. 6 of 7 journal entries were not approved. See finding 2010-005.

6. BUDGET

Procedures

Obtain the original fiscal year budget and all budget amendments made throughout the fiscal year and perform the following:

- a) Verify, through a review of the minutes and correspondence, that the original budget and subsequent budget adjustments were approved by the local public body's governing body and DFA-LGD.
- b) Determine if the total actual expenditures exceeded the final budget at the legal level of budgetary control; if so, report a compliance finding.
- c) From the original and final approved budgets and general ledger, prepare a schedule of revenues and expenditures budget and actual on the budgetary basis used by the local public body (cash, accrual or modified accrual basis) for each individual fund.

Findings

The Association did not prepare a budget for the current fiscal year. See finding 2009-003.

7. CAPITAL OUTLAY APPROPRIATIONS

Procedures

Request and review all state-funded capital outlay awards, joint powers agreements, correspondence and other relevant documentation for any capital outlay award funds expended by the recipient during the fiscal year and perform the following:

Test all capital outlay expenditures during the fiscal year to:

- a) Determine that the amount recorded as disbursed agrees to adequate supporting documentation. Verify that amount, payee, date and description agree to the purchase order, contract, vendor's invoice and canceled check, as appropriate.
- b) Determine that the cash disbursements were properly authorized and approved in accordance with the budget, legal requirements and established policies and procedures
- c) Determine that the bid process (or request for proposal process if applicable), purchase orders, contracts and agreements were processed in accordance with the New Mexico Procurement Code and State Purchasing Regulations (Section 13-1-28 through 13-1-199 NMSA 1978 and 1.4.1 NMAC).
- d) Determine the physical existence (by observation) of the capital asset based on expenditures to date.
- e) Verify that status reports were submitted to the state agency per terms of agreement and amounts in the status report agree with the general ledger and other supporting documentation.
- f) If the project was funded in advance, determine if the award balance (and cash balance) appropriately reflects the percentage of completion based on the project schedule and expenditures to date.
- g) If the project is complete, determine if there is an unexpended balance and whether it was reverted per statute and agreement with the grantor.
- h) Determine whether cash received for the award was accounted for in a separate fund or separate bank account that is non-interest bearing if so required by the capital outlay award agreement.
- i) Determine whether reimbursement requests were properly supported by costs incurred by the recipient. Determine whether the costs were paid by the local public body prior to the request for reimbursement.

Findings

The Association had 3 state-funded capital outlay disbursements during the current fiscal year, for a total of \$74,233. No evidence of procurement was provided for all 3 disbursements, see finding 2010-004. The Association also did not record any of the capital outlay revenues or expenditures, see finding 2010-006. All other attributes were tested without exception.

8. OTHER

Procedures

If information comes to the IPA's attention (regardless of materiality) indicating any fraud, illegal acts, noncompliance, or any internal control deficiencies, such instances must be disclosed in the report as required by Section, 12-6-6 NMSA 1978. The findings must include the required content per Section 2.2.2.10 (I) (3) (C) NMAC.

Findings

The Association did not complete an auditor recommendation or submit their annual agreed-upon procedures report to the Office of the State Auditor by the statutory deadline. See finding 2009-002 (2008-01) in the accompanying schedule of findings and responses.

No other findings were noted.

I was not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion on the Association's financial reporting to the State Auditor as described above. Accordingly, I do not express such an opinion. Had I performed additional procedures, other matters might have come to my attention that would have been reported to you.

This report is intended solely for the information and use of State of New Mexico Greater Chimayo Mutual Domestic Water Consumers Association, New Mexico Office of the State Auditor, the New Mexico Legislature, and the New Mexico Department of Finance and Administration and is not intended to be and should not be used by anyone other than those specified parties.

James L. Hartogensis, CPA LLC

Albuquerque, New Mexico August 31, 2016

SCHEDULE OF CAPITAL PROJECTS

STATE OF NEW MEXICO GREATER CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION SCHEDULE OF CAPITAL PROJECTS

Year Ended June 30, 2010

Project Number	Project Name	Amount Awarded	Amount Received	Amount Expended	Remaining Balance	Legislation/ Effective Dates
07-4511-GF	Greater Chimayo MDWCA Community Water System	\$ 200,000	\$ 96,998	\$ 96,998	\$ 103,002	Laws of 2007,Ch. 42/Sec. 59 7/1/2007 - 6/30/2011
07-6304-GF	Greater Chimayo MDWCA Water System	46,000	46,000	46,000	-	Laws of 2007,Ch. 341/Sec. 207B 7/1/2007 - 6/30/2011
08-3886-GF	Greater Chimayo MDWCA Water System	30,000	-	-	30,000	Laws of 2008, Ch. 92/Sec. 48 7/1/2008 - 6/30/2012
08-3122-STB	Greater Chimayo MDWCA Purchase Land/Water Facilities	120,000	20,093	20,093	99,907	Laws of 2008, Ch. 92/Sec. 15 7/1/2008 - 6/30/2012

SCHEDULE OF FINDINGS AND RESPONSES YEAR ENDED JUNE 30, 2010

Current Year Findings

<u>2009-002 (2008-01) – Late Audit Report and Recommendation (Significant Deficiency, Noncompliance)</u>

Condition: The Association did not submit their 2010 agreed-upon procedures report to the Office of the State Auditor by November 30, 2010, the due date of the report. In addition, the auditor recommendation for 2010 was not submitted to the State Auditor until July 2016.

Criteria: 2.2.2 NMAC (State Audit Rule) requires submission of auditor recommendations at least 30 days prior to year-end, or by May 31, 2010. 2.2.2 NMAC also requires submission of audit reports within five months after year-end, or November 30, 2010.

Cause: The Association did not recommend and contract with an audit firm until January 2016.

Effect: The Association was not in compliance with the State Audit Rule, which could impact its ability to receive grants from federal and state sources.

Recommendation: The Association should prepare the annual auditor recommendation by May 31 of each year and submit it to the Office of the State Auditor. The Association should also institute policies and procedures that will enable it to complete their annual audit within five months after year-end.

Agency's Response: The current Board (as of September 2014) recognizes the need to comply with State auditing rules. While the current Board cannot speak in behalf of the former GCMDWCA Board of Directors, is was clear, based on documents and correspondences within the office, that the audit requirement was clearly known, but appeared not to be an immediate priority. A CPA was retained but did not produce any substantive report(s). Under the newly elected Board of Directors we have identified this requirement and are actively addressing and budgeting the completion of all required audits to remain compliant. GCMDWCA has further developed a schedule to ensure time lines are met to solicit an independent State approved Certified Public Accountant (CPA) to complete our annual audit requirements. Further, since assuming responsibility for the operation of the system, the present Board has prioritized the need for Audit and has since released Robert Rivera, the former CPA from the process and GCMDWCA went out on RFP for services of auditors who would do audits of small water systems. GCMDWCA was able to finally enlist the present CPA, Mr. James Hartogensis to complete the 2010 audit.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

2009-003 - Budget Noncompliance (Significant Deficiency, Noncompliance)

Condition: The Association did not prepare a 2010 operating budget.

Criteria: Section 6-6-2 NMSA 1978 requires all local public bodies to prepare and submit their operating budget annually to DFA Local Government Division for certification.

Cause: The Association was not aware of the requirement for an agency-wide budget.

Effect: The Association was unable to control expenses or provide proper stewardship of public monies that is required by statute.

Recommendation: I recommend the Association establish policies and procedures to ensure compliance with all budgetary requirements imposed by DFA and state statute.

Agency's Response: GCMDWCA has no present knowledge of why it failed to maintain or submit quarterly reports to DFA-LGD in 2010. Henceforth, it will make its best efforts to comply with this requirement.

2009-004 - Capital Asset Inventory Not Completed (Significant Deficiency, Noncompliance)

Condition: The Association did not perform an inventory of capital assets for the year ended June 30, 2010.

Criteria: Section 12-6-10(A) NMSA 1978 requires each agency to conduct an annual physical inventory of movable chattels and equipment on the inventory list at the end of each fiscal year. The agency shall certify the correctness of the inventory after the physical inventory.

Cause: The Association was not aware of this statutory requirement.

Effect: Lack of an annual inventory of capital assets may prevent the Association from properly safeguarding their assets. Timely replacement of unusable or obsolete assets may be prevented, which could affect the overall operation of the water delivery system.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

<u>2009-004 - Capital Asset Inventory Not Completed (Significant Deficiency, Noncompliance) - continued</u>

Recommendation: The Association should complete an inventory of their capital assets annually, on or near year-end. The inventory should include all intangible assets, equipment and infrastructure owned by the Association, and it should be certified by management in accordance with state statute.

Agency's Response: GCMDWCA will correct this deficiency by completing and certifying an annual inventory of its capital assets.

2009-006 – DFA Reporting (Noncompliance)

Condition: The Association did not submit a budget to the New Mexico Department of Finance & Administration (DFA) – Local Government Division for certification. As a local public body, the Association is also required to transmit operating results quarterly to DFA, which were not submitted.

Criteria: Section 6-6-2 NMSA 1978 requires all local public bodies to submit their operating budget annually to DFA Local Government Division for certification. DFA also requires quarterly reporting by all agencies on prescribed forms.

Cause: The Association was not aware of the reporting requirements imposed by statute and DFA.

Effect: DFA – Local Government Division lacked the necessary information to perform their oversight duties required by state statute.

Recommendation: I recommend the Association establish contact with their DFA budget analyst to determine what reports are required and whether retroactive reporting will be required. The Association should also institute policies to ensure compliance with all reporting requirements imposed by DFA and state statute.

Agency's Response: GCMDWCA has established an excellent relationship with the assigned NM DFA-LGD Budget Analyst, Mr. Tom Dixon, with whom all budgetary reporting requirements and compliance issues are dispositioned.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

<u>2010-001 - Bank Reconciliations Not Accurate or Timely (Significant Deficiency)</u>

Condition: 6 of 12 operating account bank reconciliations, 9 of 12 savings account reconciliations, and 1 of 1 BOR II account reconciliations were not completed. Of the 9 reconciliations that were completed, 6 were not completed timely. Of the 9 completed bank reconciliations, one was not completed accurately.

Criteria: Internal control and proper stewardship requires timely and accurate bank reconciliations each month.

Cause: The Association was not able to complete the reconciliations accurately or timely. The inaccurate reconciliation was completed approximately 2 weeks prior to month-end and was reconciled to the ending balance from the previous month.

Effect: If cash is not reconciled accurately and reported in a timely manner, it may be difficult to properly safeguard the Association's assets. Errors may be undetected until it is too late to correct.

Recommendation: I recommend the Association implement policies and procedures that require timely and accurate completion of the bank reconciliation each month. The procedures should provide for proper review and approval of the reconciliation by a person independent of the accounting function.

Agency's Response: All bank reconciliations are performed by an independent budget analyst who develops the monthly budget, balance sheets, and profit and loss reports, in addition to quarterly budget reports for NM DFA-LGD. This individual reconciles all expenditures and income as well.

2010-002 - Recording of Cash Receipts in the General Ledger (Significant Deficiency)

Condition: General ledger coding could not be determined for 34 cash receipts out of 34 receipts tested, totaling \$43,252.

Criteria: Proper internal controls require supporting documentation for all transactions that occur, including the general ledger to document where the transactions are coded.

Cause: The Association did not retain a general ledger or related financial reports for the current fiscal year.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

2010-002 - Recording of Cash Receipts in the General Ledger (Significant Deficiency) - continued

Effect: Lack of supporting documentation for financial transactions can cause misstatements that may go undetected.

Recommendation: The Association should adopt a policy of retaining supporting documents for all transactions, including the general ledger and other books of record.

Agency's Response: GCMDWCA has developed an automated process and hardcopy process for archiving all pertinent records related to the business of the Association. All disbursements, invoices, income and membership records are both archived within the office and electronically scanned to computer and backed up on external hard drives. GCMDWCA has also hired a part time Office Manager to lead this implementation effort.

<u>2010-003 Lack of Supporting Documents and Approvals for Operating Disbursements (Significant Deficiency)</u>

Condition: 25 out of 25 operating disbursements tested, totaling \$94,479, had no documented approval. 3 of 25 operating disbursements, totaling \$6,343 had no invoice or other supporting documentation retained by the Association.

Criteria: Proper internal controls dictate that a disbursement should only be made once the invoice is received and applicable authorizations are complete. These steps should be documented and the paperwork retained.

Cause: The Association did not retain documentation of invoices and approvals for disbursements for operating expenses.

Effect: Disbursements may be made that are not properly approved. The Association may be subject to fraud waste or abuse by not properly authorizing and retaining documentation for every transaction.

Recommendation: The Association should adopt a policy that outlines procedures for the authorization, documentation and retention of all disbursements, whether made by an outside entity or by the Association.

Agency's Response: GCMDWCA will develop a policy where all incoming and outgoing disbursements are duly documented, authorized and recorded for record keeping and archival purposes.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

2010-004 Procurement Violations (Noncompliance, Significant Deficiency)

Condition: The Association could not provide evidence of procurement for 3 of 3 state capital outlay disbursements tested, in the amount of \$74,233. Documentation of procurement was also not retained for one operating disbursement in the amount of \$80,161.

Criteria: Agencies are required to comply with the New Mexico Procurement Code (Section 13-1-28 through 13-1-99 NMSA 1978) and State Purchasing Regulations (1.4.1 NMAC) in order to obtain the best available terms for construction contracts.

Cause: The Association relied on a contract engineering firm to provide procurement services. Documentation was not retained relating to advertising for bids, bids received and bids awarded.

Effect: It could not be determined whether the Association received the best available terms for their construction contracts. The Association may be exposed to fraud, waste or abuse of taxpayer monies.

Recommendation: I recommend the Association implement a procurement policy that complies with the state procurement code, and provides for retention of all documents related to each procurement.

Agency's Response: GCMDWCA, at the time relied on the past performance and reputation of the Engineering firm, at the time, to receive the best value for the money. Procurements were vetted to the Association for review and approval prior to taking action. During this period there were several state entities that were also cognizant of the vetting and selection process. Nonetheless, GCMDWCA will work with the Engineer of Record to produce documentation related to the advertising of bids, selection and award. The awards were done in accordance with NM procurement code. GCMDWCA, in principle does not agree with this finding and will research this further.

<u>2010-005 – No Documentation or Approval of Journal Entries (Significant Deficiency)</u>

Condition: Journal entries are prepared and posted to the general ledger by the Association's accountant with no supporting documentation and without review and approval from a board member. Out of 7 entries tested, 6 had no approval, and 5 had no supporting documentation.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

<u>2010-005 – No Documentation or Approval of Journal Entries (Significant Deficiency) – continued</u>

Criteria: Because journal entries are a way to override the accounting system, organizations should always implement strong internal controls to mitigate the risk of material misstatements from journal entries. Section 12-6-3 B(6) NMSA 1978 requires the independent public accountant to determine whether the local public body has procedures in place that requires journal entries to be reviewed, and that evidence of the review is documented.

Cause: The Association does not have a policy or procedure in place that requires document retention, and board review and approval of journal entries prior to posting to the Association's books.

Effect: Without a policy for retaining, reviewing and approving journal entries, there is an increased risk that a material misstatement in the Association's financial statements will not be prevented, detected or corrected.

Recommendation: I recommend the Association adopt a policy for documenting, reviewing and approving journal entries prior to recording them in the general ledger. I also recommend the Association review other existing accounting policies and procedures to ensure all transactions that are recorded in the financial statements are properly authorized and documented.

Agency's Response: GCMDWCA will adopt a policy for documenting, reviewing and approving journal entries prior to recording them in the general ledger. GCMDWCA will ensure all transactions are recorded in the financial statements are properly authorized and documented.

2010-006 – Capital Outlay Not Recorded (Significant Deficiency, Noncompliance)

Condition: The Association did not record capital outlay revenues and expenses for 3 capital projects, in the amount of \$74,233.

Criteria: The capital outlay agreements required the Association record all funds received and disbursed in a separate general ledger account or class, or a separate bank account.

Cause: The NM Environment Department paid the vendors directly. The Association was not aware that these transactions are required to be recorded in the grantee's books.

SCHEDULE OF FINDINGS AND RESPONSES - CONTINUED YEAR ENDED JUNE 30, 2010

Current Year Findings - continued

2010-006 - Capital Outlay Not Recorded (Significant Deficiency, Noncompliance) - continued

Effect: Revenues and expenses were understated for the fiscal year.

Recommendation: I recommend the Association record all transactions on their books, whether or not they actually write the check.

Agency's Response: The Association will record all transactions on their books, whether or not GCMDWCA actually writes the check. In instances where capital projects or projects involving either external grants, bonds or funding other than from general water revenue, a separate bank/checking account and ledgers will be created/established to ensure all funding is tracked and accounted for.

STATUS OF PRIOR YEAR FINDINGS YEAR ENDED JUNE 30, 2010

Prior Year Findings	<u>Current Status</u>
2009-001 (2008-02)-Misstated Account Balances/Statements	Not tested in current year
2009-002 (2008-01)-Late Audit Report and Recommendation	Repeated and modified
2009-003-Budget Compliance	Repeated and modified
2009-004-Capital Asset Inventory Not Completed	Repeated and modified
2009-005-Lack of Pledged Collateral for Uninsured Bank Balances	Resolved
2009-006 – DFA Reporting	Repeated and modified
2009-007-Internal Controls Over Compliance Requirements	Not tested in current year
2009-008–Grant Reports Not Filed	Not tested in current year
2009-009–Noncompliance with Cash Management Regulations	Not tested in current year
2009-010 - Late Submission of Data Collection Form	Not tested in current year

EXIT CONFERENCE YEAR ENDED JUNE 30, 2010

The report contents were discussed at an exit conference held on August 16, 2016 with the following in attendance:

Greater Chimayo Mutual Domestic Water Consumers Association

Paul Martinez President
Benny Vigil Jr. Vice-President
Ted Trujillo General Counsel

James L. Hartogensis, CPA LLC

James Hartogensis, CPA, CGFM Principal