

**STATE OF NEW MEXICO
RACING COMMISSION**

FINANCIAL STATEMENTS

**FOR THE YEAR ENDED
JUNE 30, 2010**



KARDAS • ABEYTA • WEINER P.C.
Certified Public Accountants

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COMMISSIONERS

Name	Title
Marty L. Cope	Chairman
Thomas "Eddie" Fowler	Vice Chairman
Arnold Rael	Member
Ray Willis	Member
Larry Delgado	Member

ADMINISTRATIVE OFFICIALS

Name	Title
India Hatch	Agency Director
Laura Valencia	Administrative Manager



KARDAS • ABEYTA • WEINER P.C.
Certified Public Accountants

INDEPENDENT AUDITORS' REPORT

To the Commissioners of the
New Mexico Racing Commission
Albuquerque, New Mexico

We have audited the accompanying financial statements of the governmental activities, the general fund, the aggregate remaining fund information, and the budgetary comparison for the general fund of the New Mexico Racing Commission (Commission), as of and for the year ended June 30, 2010, which collectively comprise the Commission's basic financial statements as listed in the table of contents. We also have audited the financial statements of each of the Commission's nonmajor funds presented as supplementary information in the accompanying combining and individual fund financial statements 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 Commission's 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 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 A 1., the financial statements of the New Mexico Racing Commission, State of New Mexico, are intended to present the financial position, and the changes in financial position of only that portion of the governmental activities, the general fund, the budgetary comparison for the general fund, and the aggregate remaining fund information of the State of New Mexico that is attributable to the transactions of the New Mexico Racing Commission. 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 the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the general fund, and the aggregate remaining fund information of the Commission, as of June 30, 2010, and the respective changes in financial position thereof and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of

America. In addition, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the fiduciary fund of the Commission as of June 30, 2010, and the respective changes in financial position thereof 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 10, 2010 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The management's discussion and analysis on pages 4 through 9 are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the 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 combining and individual fund financial statements. The additional schedules listed as "supplemental information" and "schedules" in the table of contents are presented for purposes of additional analysis and are 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.

Kardas, Abeyta & Weiner, P.C.

December 10, 2010

OVERVIEW

Our discussion and analysis of the New Mexico Racing Commission's (Commission) financial performance provides an overview of our financial activities for the fiscal year ended June 30, 2010. It should be read in conjunction with the financial statements, which follow this discussion and analysis. This document will assist the reader in the following:

- * Highlight significant financial issues;
- * Provide an overview of the Commission's financial activity;
- * Identify changes in the Commission's financial position;
- * Identify any material deviation from the approved budget;
- * Identify issues and concerns.

USING THIS ANNUAL REPORT

This annual report consists of a series of financial statements. The Statement of Net Assets and The Statement of Activities provide information about the Commission as a whole and present a longer-term view of our finances. Financial data presented in these financial statements is for the activities of the Commission as a single agency. It does not purport to represent the State of New Mexico as a whole.

Government Wide Financial Statements

The financial statements report all assets and liabilities using the accrual basis of accounting, which is similar to the accounting used by most private-sector companies. All current year revenues and expenses are reported regardless of when cash is received or paid. These financial statements do not include fiduciary activities. Fiduciary resources are not available to finance the government's programs and are excluded from the government-wide financial statements.

The government-wide financial statements include all activities of the Commission with the exception of the fiduciary funds that arise from the collection of racing participants and licensees' fees, taxes and fines. General fixed assets, formerly reported as separate account groups, are included in these financial statements. State general fund appropriations finance these activities. The General Fund is included in the government-wide financial statements.

Fund Financial Statements

The General Fund is considered to be a major fund because only individual governmental or individual enterprise funds can be considered for major fund status. The Commission's two kind of funds, governmental and fiduciary, are considered as separate accounting entities. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance, revenues, expenses and other financing sources or use.

USING THIS ANNUAL REPORT (Continued)

Governmental Funds. All of the Commission's basic services are reported in the governmental funds, which focus on the establishment of an appropriation by the state legislature and the expenditures of this money in accordance with a budget. Funds not expended or encumbered at the year-end revert to the general fund. These funds are reported using an accounting method called modified accrual accounting, which measures cash and other financial assets that can readily be converted to cash. The difference between governmental activities and governmental funds are reconciled.

Fiduciary Funds. The fiduciary funds are used to report assets held on behalf of the State of New Mexico or other statutory activities and are not available to support Commission activities. The reporting focus is upon the net assets and changes in net assets and employs the accrual basis of accounting. These funds, once earned are generally revenues of the general fund of the State of New Mexico.

THE NEW MEXICO RACING COMMISSION AS A WHOLE

The New Mexico Racing Commission is funded by appropriations from the New Mexico State General Fund. The Commission is responsible for the regulation of the State's pari-mutuel horse racing industry. During the fiscal year ending June 30, 2010, there were 295 live race days regulated.

Condensed Statement of Net Assets
 Table A-1

	Governmental Activities		Increase
	2009	2010	(Decrease)
Current assets	\$ 238,164	\$ 354,285	\$ 116,121
Capital and non-current assets (net of depreciation)	16,136	5,860	(10,276)
Total Assets	\$ 254,300	\$ 360,145	\$ 105,845
Current liabilities	\$ 130,236	\$ 167,779	\$ 37,543
Long-term liabilities	67,157	10,749	(56,408)
Due to State General Fund	73,900	264,128	190,228
Due to other funds	58,958	-	(58,958)
Total Liabilities	\$ 330,251	\$ 442,656	\$ 112,405
Net Assets:			
Invested in capital assets	\$ 16,136	\$ 5,860	\$ (10,276)
Unrestricted (deficit)	(92,087)	(88,371)	3,716
Total Net Assets	\$ (75,951)	\$ (82,511)	\$ (6,560)

THE NEW MEXICO RACING COMMISSION AS A WHOLE (Continued)

As summarized in Table A-1, Net Assets of \$(82,511) represents the difference between assets and liabilities of the Agency. The deficit presented in net assets does not mean the agency overspent its funding authority. It represents the estimated future cost of compensated absences that will be funded and paid from future appropriations. Compensated absences represent the amount of accrued, but unused, vacation time at current rates to be paid from future appropriations.

Condensed Statement of Activities
Table A-2

	<u>Governmental Activities</u>		Increase (Decrease)
	<u>2009</u>	<u>2010</u>	
General Revenues/Transfers:			
General fund appropriations	\$2,359,100	\$ 2,311,300	\$ (47,800)
Transfer out - reversion FY07	(106,000)	-	106,000
Transfer out - reversion FY08	(127,600)	-	127,600
Transfer out - reversion FY09	(73,900)	-	73,900
Transfer out - reversion FY10	-	(190,228)	(190,228)
Total revenues/transfers	<u>2,051,600</u>	<u>2,121,072</u>	<u>69,472</u>
Expenses			
Racing regulation	<u>2,312,463</u>	<u>2,127,632</u>	<u>(184,831)</u>
Increase (decrease) in net assets	(260,863)	(6,560)	254,303
Beginning of year, net assets (deficit)	184,912	(75,951)	(260,863)
End of year, net assets (deficit)	<u>\$ (75,951)</u>	<u>\$ (82,511)</u>	<u>\$ (6,560)</u>

The Commission's general fund expenditures decreased by \$184,831 due to budget cutbacks from prior year appropriations.

ANALYSIS OF FINANCIAL POSITION

The Commission receives 100% of its governmental funds from an appropriation from the state legislature. These funds are expended by the Commission based on a budget submitted and approved by the state legislature and the Governor. During the current year and fiscal year 2010, the Commission continues to have its budget reduced by the New Mexico State Legislature due to budget shortfalls that the State of New Mexico is confronting.

ANALYSIS OF GOVERNMENTAL FUNDS

The Commission operates one governmental fund in which all activity related to horseracing regulation is recorded. The following financial statements present the financial position and results of operations for the governmental activities. Funding for the governmental funds is \$2,311,300 from the General Fund appropriation.

Governmental funds expenditures totaled \$2,139,332 and differs from the government-wide expenses of \$2,127,632 by two items as following:

Government fund expenditures	\$ 2,139,332
Decrease in liability for compensated absences	(21,976)
Excess of depreciation over capital outlay	10,276
Agency government-wide expenses	<u>\$ 2,127,632</u>

ANALYSIS OF BALANCES AND TRANSACTIONS OF INDIVIDUAL FUNDS

The Commission maintains one governmental and three fiduciary funds. The governmental fund is an appropriation by the state legislature and the expenditures of this money are in accordance with a budget.

The Commission's three fiduciary funds consist of Racing Receipts, Fee and Fine Refund, and Occupational License Fee.

The Racing Receipts Fund consists of collections of all pari-mutuel taxes, license, fines, and fee receipts. These receipts are transferred monthly to the state general fund, and withdrawals to statutory required payments to municipalities where qualifying racetracks are located. The total amount transferred to the State General Fund during the 2010 fiscal year was \$888,579.

The Fee and Fine Refund Fund is a statutory required fund to allow for the refund of fines and licensing fees adjudicated to be refunded. The maximum authorized balance of this fund is \$4,000.

The Occupational License Fee Fund holds all cash proceeds from issuing badges and ordering fingerprints.

GENERAL FUND BUDGETARY HIGHLIGHTS

The annual operating budget is approved by the Department of Finance and Administration. Over the course of the year, the Commission adjusts its budget as authorized under the Appropriations Act. Comparison of actual expenditures on a budgetary basis to approved budget amounts is presented on page 14.

The budgetary basis expenditures were within the approved budgeted amounts. The difference in budget to actual expenditures for the total categories is \$68,558. The original budget of \$2,311,300 for the fiscal year ended June 30, 2010 was reduced by \$135,600 to \$2,175,700 through Executive Order 2009-044 as required by the New Mexico State Legislature to address budget shortfalls that the State of New Mexico is confronting and measures that are being taken to balance the budget for the state as a whole.

During fiscal year 2010, the Commission received Executive Order 2009-044 to reduce the fiscal year 2010 budget by \$115,700 and \$19,900 for employee furloughs.

CAPITAL ASSETS ADMINISTRATION

The Commission capitalizes and inventories capital assets with a cost of \$5,000 or more in compliance with HB (Section 12-6-10 NMSA 1978). During the year no capital assets were acquired that required to be capitalized. The Commission recognized depreciation in the current year of \$10,276 on assets acquired in prior years.

The Commission does not have any current or long term debt.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

While current economic conditions continue to be of concern statewide, the New Mexico Racing Commission will strive to sustain its current services to the racing industry, while maintaining minimum budget. In order to comply with the budget reductions in FY10, expense adjustments were made in the areas of equine testing, travel, telecommunications, postage and supplies. The one area of concern for the agency continues to be equine testing, as the agency feels any additional cuts to this area may be detrimental due to the intense competition and high amount of purses. The agency must not only efficiently utilize its existing resources, but also aggressively seek an alternate funding to increase budgeted resources to maintain the integrity of the industry.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET (Continued)

With continued anticipation of a racetrack in Raton, New Mexico, the Commission anticipates continued growth in New Mexico horse racing through additional race days, increase in taxes to the state's general fund and race participation from the North side of the state from the surrounding five state area. Upon approval of the opening of La Mesa Racetrack, the agency will seek special funding for personnel, operation of a new steward/license office, equine testing and travel.

CONTACTING THE COMMISSION'S FINANCIAL MANAGEMENT

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

New Mexico Racing Commission
4900 Alameda, NW, Suite A
Albuquerque, NM 87113
(505) 222-0700
nmrc@state.nm.us

June 30, 2010

	<u>Governmental Activities</u>
Assets:	
Investment in the State General Fund Investment Pool, Note C	\$ 354,125
Other receivables	160
Capital assets, net of accumulated depreciation, Note D	5,860
Total Assets	<u>\$ 360,145</u>
Liabilities:	
Accounts payable	\$ 61,164
Accrued salaries and benefits	61,183
Due to state general fund, Note O	264,128
Compensated absences payable, Note E:	
Due within one year	45,432
Due after one year	10,749
Total Liabilities	<u>442,656</u>
Net Assets:	
Net assets - investment in capital assets	5,860
Net assets - unrestricted (deficit), Note P	<u>(88,371)</u>
Total net assets	<u>(82,511)</u>
 Total Liabilities And Net Assets	 <u>\$ 360,145</u>

For the Year Ended June 30, 2010

	<u>Governmental Activities</u>
Program Expenses:	
Personal services / employee benefits	\$ 1,154,870
Contractual services	772,887
Other	199,875
	<u>2,127,632</u>
General Revenues/Transfers:	
State general fund appropriation, Note M	2,311,300
Transfers - reversion to the state general fund - FY 10, Note N	<u>(190,228)</u>
Total General Revenues/Transfers	<u>2,121,072</u>
Change in Net Assets	(6,560)
Net Assets:	
Beginning of Year	(75,951)
End of Year	<u>\$ (82,511)</u>

June 30, 2010

	General Fund
Assets:	
Investment in the State General Fund Investment Pool, Note C	\$ 354,125
Other receivables	160
Total assets	<u>\$ 354,285</u>
Liabilities:	
Accounts payable	\$ 61,164
Accrued salaries and benefits	61,183
Due to state general fund, Note O	264,128
Total liabilities	<u>386,475</u>
Fund Balance:	
Fund balance - unreserved, undesignated, Note A	<u>(32,190)</u>
Total liabilities and fund balance	<u>\$ 354,285</u>

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

Fund Balance - Government Funds	\$ (32,190)
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds, Note D	5,860
Compensated absences are not due and payable in the current period and therefore are not reported in the funds, Note E	<u>(56,181)</u>
Net Assets of Governmental Activities	<u>\$ (82,511)</u>

NEW MEXICO RACING COMMISSION
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND BALANCE -
GOVERNMENTAL FUND

For the Year Ended June 30, 2010

	<u>General Fund</u>
Expenditures	
Current	
Personal services / employee benefits	\$ 1,154,870
Contractual services	772,887
Other	211,575
Total Expenditures	<u>2,139,332</u>
Other Financing Sources (Uses)	
State general fund appropriation, Note M	2,311,300
Transfers - reversion to the state general fund - FY 10, Note N	(190,228)
Total other financing sources (uses)	<u>2,121,072</u>
Net change in fund balance	(18,260)
Fund balance	
Beginning of Year	(13,930)
End of Year	<u>\$ (32,190)</u>

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

Net Change in Fund Balances - Total Government Funds \$ (18,260)

The Governmental Fund reports capital outlays as expenditures. However, in the Statement of Activities, the cost of capital assets is allocated over their estimated useful lives and reported as depreciation expense. Depreciation expense for the current year was (10,276)

In the Statement of Activities, certain operating expenses - compensated absences payable - are measured by the amounts earned during the year. In the Governmental Fund, however, expenditures are measured by the amount of financial resources used (essentially the amount actually paid). The decrease in the liability for compensated absences payable for the year was 21,976

Change in Net Assets - Governmental Activities \$ (6,560)

**NEW MEXICO RACING COMMISSION
BUDGET TO ACTUAL COMPARISON STATEMENT - GENERAL FUND**

For the Year Ended June 30, 2010

	Original Budget	Final Budget	Actual	Actual Over (Under) Budget
Revenues				
State general fund appropriations	\$ 2,311,300	\$ 2,175,700	\$ 2,175,700	\$ -
Total Revenues	<u>\$ 2,311,300</u>	<u>\$ 2,175,700</u>	<u>\$ 2,175,700</u>	<u>\$ -</u>
Expenditures				
Personal service/employee benefits	\$ 1,186,600	\$ 1,166,700	\$ 1,154,870	\$ (11,830)
Contractual services	833,100	760,400	740,697	(19,703)
Other	291,600	248,600	211,575	(37,025)
Total expenditures	<u>\$ 2,311,300</u>	<u>\$ 2,175,700</u>	<u>\$ 2,107,142</u>	<u>\$ (68,558)</u>

The Accompanying Notes Are An Integral Part Of These Financial Statements

June 30, 2010

	Agency Funds
Assets:	
Cash and cash equivalents, Note B	\$ 141,022
Investment in the State General Fund Investment Pool, Note C	<u>138,187</u>
Total Assets	<u><u>\$ 279,209</u></u>
Liabilities:	
Due to other state agencies, Note L	\$ 5,577
Due to state general fund	<u>273,632</u>
Total Liabilities	<u><u>\$ 279,209</u></u>

The Agency Funds are used to account for assets held as an agent for individuals, private organizations, other governments, and/or other funds.

OCCUPATIONAL LICENSE FUND

This fund is a statutory required fund to account for all cash proceeds from issuing badges and ordering fingerprints.

RACING RECEIPTS FUND

This fund is a statutory required fund to account for collections of all pari-mutuel license, fines and fee receipts. These receipts are transferred to the state general fund. In addition, required gross receipt disbursements to municipalities where qualifying racetrack are located are made.

SUSPENSE REFUND FUND

This is a statutory required fund to allow for the refund of fines and licensing fees adjudicated to be refunded.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES

The New Mexico Racing Commission (Commission) is administratively attached to the State of New Mexico, Economic Development and Tourism Department. The Commission consists of five members, all of whom are appointed by the Governor of the State of New Mexico. The objectives of the Commission are to license and regulate the operation of all horse races held in the State of New Mexico. The basic financial statements of the Commission only include the activities associated with these types of functions. They do not include the operating or capital improvement activities of the tracks with the exception of those receipts and disbursements for which the Commission operates as an agent of the tracks.

The financial statements of the Commission have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant accounting policies of the Commission are described below:

1. Financial Reporting Entity

GASB Statement No. 14, the financial reporting Entity, effective for periods beginning after December 15, 1992, establishes standards for defining and reporting on the financial reporting entity. The requirements of GASB No. 14 apply at all levels to all state and local governments.

GASB No. 14 defines the financial reporting entity as consisting of the primary government, organizations for which the primary government is financially accountable and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. This definition of the reporting entity is based primarily on the notion of financial accountability as the "cornerstone of all financial reporting in government".

A primary government is any state government or general-purpose local government, consisting of all of the organizations that make up its legal entity. All funds, organizations, institutions, agencies, departments and offices that are not legally separate are, for financial reporting purposes, part of the primary government. The Commission, therefore, is part of the primary government of the State of New Mexico, and its financial data should be included with the financial data of the State. The State of New Mexico will present an audited Comprehensive Annual Financial Report (CAFR) inclusive of all agencies of the primary government for fiscal year 2010.

No entities are considered component units of the Commission. The Commission's sole fiduciary fund is not included with the government-wide presentations.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

2. Basic Financial Statements

The Commission's basic financial statements include both government-wide (based on the Commission as a whole) and fund financial statements. The new reporting model focus is on either the Commission as a whole, or major individual funds (within the fund financial statements). Both the government-wide and fund financial statements (within the basic financial statements) categorize primary activities as either governmental or business type activities. In the government-wide Statement of Net Assets, the governmental activities are presented and are reflected on a full accrual, economic resources basis measurement focus, which incorporates long-term assets, as well as long-term obligations. The Commission did not have any business-type activities during the year ended June 30, 2010. The effect of material interfund activity is removed from the government-wide statements. There was no interfund activity during the year.

The government-wide Statement of Activities reflects both the gross and net costs per functional category (education, labor, transportation, etc.) that are otherwise being supported by general governmental revenues. The Statement of Activities reduce gross expenses (including depreciation) by related program revenues, operating and capital grants. The program revenues must be directly associated with the function of a business-type activity. The Commission includes only one function (general government). When an expense is incurred for purposes when both restricted and unrestricted resources are available, the Commission utilizes the restricted resources first.

The net cost (by function of business-type activity) is normally covered by general revenues (taxes, intergovernmental revenues, interest income, etc.). The Commission does not currently employ an indirect cost allocation system.

The government-wide focus is more on the sustainability of the Commission as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. The Commission has elected not to apply FASB pronouncements issued after November 30, 1989.

The fund financial statements are similar to the financial statements presented in the previous accounting model. Emphasis here is on the major fund in the governmental category. Due to the limited fund structure of the Commission, the only governmental fund is the General Fund, which has been classified as a major fund, as required.

The governmental fund statements are presented on a current financial resource and modified accrual measurement focus of accounting. This presentation is deemed more appropriate to (a) demonstrate legal compliance, (b) demonstrate the source and use of liquid resources, and (c) demonstrate how the Commission's actual experience conforms to the budget or fiscal plan.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental activities column, a reconciliation is also presented on the page, which briefly explains the adjustments necessary to transform the fund-based financial statements into the governmental activities column on the government-wide presentation.

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

3. Basis of Presentation

The financial transactions of the Commission are maintained on the basis of 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 source or uses. Government resources are allocated to, and accounted for, in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. The various funds are summarized by type in the accompanying financial statements. The various funds are reported by generic classification within the financial statements.

GASB No. 34 sets forth minimum criteria for the determination of major funds based on a percentage of the assets, liabilities, revenues or expenditures/expenses of either fund category or governmental and enterprise combined. Due to the fund structure of the Commission, the only individual governmental fund, the General Fund, has been classified as a major fund.

The Commission uses the following fund types:

Governmental Fund Types

General Fund - The General Fund is the general operating fund and only major fund of the Commission. It is used to account for all financial resources except those required to be accounted for in another fund. The General Fund is funded through an appropriation from the New Mexico State Legislature. The unreserved, undesignated fund balance reverts back to the State General Fund at fiscal year end.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

Agency Funds - A fiduciary fund (agency fund) is used to account for the Occupational License Fund, Racing Receipts Fund and the Suspense Refund Fund used to account for funds received from issuing badges, ordering fingerprints, pari-mutuel license, fines and fee receipts, fines etc. that are disbursed to the State of New Mexico General Fund per state statute. The Commission has no budgetary control over these funds and acts solely as an agent. Agency Funds are custodial in nature (assets equal liabilities) and do not involve measurement or results of operations.

4. Basis of Accounting

Basis of accounting refers to the point at which revenues and expenditures/expenses 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.

Accrual. The government-wide financial statements and the fiduciary financial statements are presented on the accrual basis of accounting using an economic resources measurement focus. The governmental funds in the fund financial statements are presented on a modified accrual basis using a current financial resources measurement focus.

Modified Accrual. The governmental funds financial statements are presented on the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual; i.e., both measurable and available. "Available" means collectible within the period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred.

5. Budgetary Procedures and Accounting

The State Legislature makes annual appropriations to the Commission. Legal compliance is monitored through the establishment of an annual budget. Annual budgets are adopted each fiscal year for the General Fund. Amendments to the budget require approval by the State's Financial Control Division of the Department of Finance and Administration. The budgets presented have been so amended during the fiscal year.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

Per the General Appropriation Act, Laws of 2007, Chapter 28, Section 3, Item N, "For the purpose of administering the General Appropriation Act of 2007 and approving operating budgets, the State of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with manual of model accounting practices issued by the Department of Finance and Administration". The budget is adopted on the modified accrual basis of accounting except for accounts payable accrued at the end of the fiscal year that do not get paid by the statutory deadline per Section 6-10-4 NMSA 1978. Those accounts payable that do not get paid timely must be paid out of the next year's budget. Encumbrances related to single year appropriations lapse at year-end.

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

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

1. By September 1st, the Commission prepares a budget request by appropriation unit to be presented to the next legislature;
 2. The appropriation request is submitted to the Department of Finance and Administration's Budget Division (DFA) and to the Legislature;
 3. DFA makes recommendations and adjustments to the appropriation request, which become the Governor's proposal to the Legislature;
 4. The Legislative Finance Committee (LFC) holds hearings on the appropriation request, also submitting recommendations and adjustments before presentation to the Legislature;
 5. Both the DFA's and LFC's recommended appropriation proposal are presented to the legislature for approval of the final budget plan;
 6. Budgetary control is exercised at the appropriation unit level of the Commission as a whole and changes are approved by the DFA;
 7. Appropriations, if reverting, lapse at the end of the year except for amounts in accounts payable;
 8. Beginning with fiscal year 2005, the General Appropriation Act establishes the modified accrual basis of accounting for governmental funds as the budgetary basis of accounting for the State of New Mexico.
-

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

6. Capital Assets

Property, plant and equipment purchased or acquired is carried at historical cost or estimated historical cost. Contributed assets are recorded at the fair market values as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. The state's capitalization policy, i.e., the dollar value above which asset acquisitions are added to the capital accounts, is \$5,000 per section 12-6-10 NMSA 1978. For years before fiscal year 2005, the capitalization threshold was \$1,000.

Depreciation on all assets is provided on the straight-line method over the estimated useful lives with no salvage value as follows:

Furniture & Fixtures	7 Years
Equipment	5 Years
Date Processing Equipment	5 Years

7. Encumbrances Accounting

Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary control in the General Fund during the operating year. Encumbrances outstanding that do not extend beyond the appropriation period (generally, the fiscal year ended June 30), lapse and must be re-encumbered against the new appropriation during the following fiscal year, as necessary or needed.

8. Compensated Absences Payable

Compensatory time is accumulated by qualified employees as follows:

- a) Annual leave - A maximum of 240 hours of such accumulated annual leave may be carried forward into the beginning of the calendar year and any excess is lost. When employees terminate, they are compensated for accumulated unpaid annual leave as of the date of termination, up to a maximum of 240 hours;
 - b) Sick Leave - Employees who have accumulated 600 hours of unused sick leave are entitled to be paid for unused sick leave in excess of 600 hours at a rate equal to fifty percent (50%) of their hourly rate of pay for up to 120 hours of sick leave. Payment for unused sick leave may be made only once per fiscal year on either the payday immediately following the first full pay period in January or the first full pay period in July;
-

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

- c) Compensatory time - An employee may accrue not more than 240 hours of compensatory time. Compensatory time shall be at a rate of not less than 1-1/2 hours for each hour of employment for which overtime compensation is acquired. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate by the employee at the time the employee receives such payment.

The compensated absences payable is included in the government-wide financial statements.

9. Reversion to State General Fund

The appropriation authorized to the New Mexico Racing Commission by the New Mexico State Legislature is classified as a "reverting fund". 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 following is a computation of the reversion amount due at June 30, 2010:

Fund balance (deficit) at July 1, 2009	\$ (13,930)
State general fund appropriation	2,311,300
Budgetary basis expenditures	(2,107,142)
Reversion due to the State General Fund June 30, 2010	<u>(190,228)</u>
	<u>\$ -</u>

The Commission's reversions are calculated using the budgetary basis expenditures because the Commission does not have the legal authority to obligate the State for liabilities once the appropriation period has lapsed. Thus, the Commission cannot keep the cash related to accounts payable that were not paid timely. This results in a negative fund balance in the modified accrual basis financial statements of the reverting general fund of \$(32,190).

10. Net Assets

The Government-Wide Fund financial statements utilize a net asset presentation. Net assets are categorized as investment in capital assets, restricted and unrestricted.

Investment in Capital Assets - is intended to reflect the portion of 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. The Commission did not have any related debt during the year ended June 30, 2010.

Unrestricted Deficit - represents the deficit of total assets over total liabilities and net assets invested in capital assets at June 30, 2010.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (cont.)

Restricted Net Assets - net assets should be reported as restricted when constraints placed on net assets use are either:

- Externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation.
- Enabling legislation must be legally enforceable. Legal enforceability means that a government can be compelled by an external party - such as citizens, public interest groups or the judiciary - to use resources only for the purposes specified by the legislation.

There were no net assets restricted by enabling legislation during the current year.

11. Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

NOTE B - CASH AND CASH EQUIVALENTS

The Commission maintained a combined cash balance of \$141,022 at June 30, 2010 in six different financial institutions throughout the state. These balances for demand deposits were insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000 for each of these financial institutions.

No security is required for the deposit of public money that is insured by the Federal Deposit Insurance Corporation according to Section 6-10-16 NMSA 1978.

Custodial Credit Risk - Deposits. Custodial credit risk is the risk that in the event of a bank failure, the Commission's deposits (in excess of FDIC insurance) may not be returned to them. As of June 30, 2010, the Commission's bank balances of \$141,022 were not exposed to custodial credit risk because they were fully insured by the FDIC.

NOTE C - INVESTMENT IN THE STATE GENERAL FUND INVESTMENT POOL

Investments of the Commission consist of its interest in the State General Fund Investment Pool, which is managed by the New Mexico State Treasurer. The fair value of the investments maintained at the New Mexico State Treasurer's Office at June 30, 2010 is as follows:

<u>Investment</u>	<u>Fair Value June 30, 2010</u>
New Mexico State Treasurer's Office General Fund Investment Pool	<u>\$ 492,312</u>

Detailed information of the Commission's interest in the State General Fund Investment Pool is as follows:

<u>Fund</u>	<u>SHARE Fund No.</u>	<u>Fair Value June 30, 2010</u>
General Fund	69000	\$ 354,125
Agency Fund	95100	138,187
		<u>\$ 492,312</u>

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Commission does not have an investment policy that limits investment interest rate risk. Management estimates that the State General Fund Investment Pool is presented at a value which approximates fair value. For additional disclosure information regarding the investment in the State Treasurer's SGFIP, the reader should see the separate audit report for the State Treasurer's Office for the fiscal year ended June 30, 2010, and review the State Treasurer's Investment Policy at <http://www.stonm.org/Investments/InvestmentPolicy>.

NOTE D - CAPITAL ASSETS

Following are the changes in capital assets for the year ended June 30, 2010:

	Balance 6/30/2009	Additions	Deletions	Balance 6/30/2010
Governmental Activities				
Capital assets being depreciated				
Furniture and fixtures	\$ 17,332	\$ -	\$ -	\$ 17,332
Equipment	58,301	-	-	58,301
Data processing equipment	198,872	-	-	198,872
	<u>274,505</u>	<u>-</u>	<u>-</u>	<u>274,505</u>
Less accumulated depreciation for				
Furniture and fixtures	(17,332)	-	-	(17,332)
Equipment	(52,423)	(2,797)	-	(55,220)
Data processing equipment	(188,614)	(7,479)	-	(196,093)
	<u>(258,369)</u>	<u>(10,276)</u>	<u>-</u>	<u>(268,645)</u>
Governmental activities capital assets, net	<u>\$ 16,136</u>	<u>\$ (10,276)</u>	<u>\$ -</u>	<u>\$ 5,860</u>

Depreciation expense was charged to governmental activities as follows:

General government	<u>\$ 10,276</u>
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NOTE E - COMPENSATED ABSENCES PAYABLE

Long-term liability activity for the Commission for the year ended June 30, 2010, is as follows:

	Balance 6/30/2009	Increase	Decrease	Balance 6/30/2010	Due Within One Year
Governmental Activities					
Other Liabilities					
Compensated absences	\$ 78,157	\$ 60,380	\$ 82,356	\$ 56,181	\$ 45,432

Compensated absences are paid out of the general fund.

NOTE F - PENSION PLAN - PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Plan Description. Substantially all of the Commission'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 7.42% (ranges from 3.83% to 16.65% depending upon the plan - i.e., state general, state hazardous duty, state police and adult correctional officers, municipal general, municipal police, municipal fire, municipal detention officer) of their gross salary. The Commission is required to contribute 16.59% (ranges from 7.0% to 25.72% depending upon the plan) of the gross covered salary. The contribution requirements of plan members and the Commission are established in State statute under Chapter 10, Article 11, NMSA 1978. The requirements may be amended by acts of the legislature. The Commission's contributions to PERA for the fiscal years ending June 30, 2010, 2009 and 2008 were \$124,451, \$125,061, and \$127,298, respectively, which equal to the amount of the required contributions for each fiscal year.

NOTE G - POSTEMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN

Plan Description. The Commission 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.

NOTE G - POSTEMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN (cont.)

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;
- (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:

FY 11 Employer 1.666%, Employee .833%; FY 12 Employer 1.834%, Employee .917%; FY 13 Employer 2.000%, Employee 1.000%. Also employers joining the program after 1/1/98 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.

NOTE G - POSTEMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN (cont.)

The Commission's contributions to the RHCA for the years ended June 30, 2010, 2009, and 2008 were \$10,648, \$8,812, and \$8,710, respectively, which equal the required contributions for each year.

NOTE H - DEFERRED COMPENSATION PLAN

The State offers its employees a deferred compensation plan created in accordance with Internal Revenue Code, Section 457.

The plan, available to all State employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are (until paid or made available to the employee or other beneficiary) solely the property and rights of the State (without being restricted to the provisions of benefits under the plan), subject only to the claims of the State's general creditors. Participants' rights under the plan are equal to those of general creditors of the State in an amount equal to the fair market value of the deferred account of each participant.

It is the opinion of the State's legal counsel that the State has no liability for losses under the plan but does have the duty of due care that would be required of an ordinary prudent investor. The State believes that it is unlikely that it will use the assets to satisfy the claims of general creditors in the future.

Neither the Commission nor the State of New Mexico make any contributions to the deferred compensation plan. All contributions withheld from participants by the Commission have been paid to the New Mexico Public Employees' Retirement Association which administers the plan.

NOTE I - RECONCILIATION OF BUDGET BASIS TO GAAP - EXPENSES

	<u>Expenses</u>
Budget basis expenditures - contractual services	\$ 740,697
Accounts payable - contractual services	32,190
GAAP basis expense - contractual services	<u>\$ 772,887</u>

NOTE J - COMMITMENTS AND CONTINGENCIES

Operating Lease Obligations. The Commission is currently sharing general office space with the New Mexico Gaming Control Board under a lease which is considered an operating lease for accounting purposes. Lease expenditures for the year ended June 30, 2010 amount to \$84,669.

Future minimum lease payments under the terms of this lease are as follows as of June 30, 2010:

2011	\$ 86,280
2012	89,088
2013	91,968
2014	94,954
2015	98,047
2016 and thereafter	1,028,817
	<u>\$ 1,489,154</u>

NOTE K - RISK MANAGEMENT

The Commission is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters for which the Commission carries insurance (Workers Compensation, Unemployment Compensation, Employee Liability, and Transportation Property) with the State of New Mexico Risk Management Division (RMD) of the General Services Department.

NOTE L - DUE TO OTHER STATE AGENCIES

The following amounts are due to other state agencies:

Occupational License Fund:	
Transfer from Fund #37900 to the Department of Public Safety (790)	<u>\$ 5,577</u>

NOTE M - STATE GENERAL FUND APPROPRIATIONS

During the year ended June 30, 2010, State General Fund Appropriations consist of the following:

2009 Regular Session, Chapter 124, Section 4	<u>\$ 2,311,300</u>
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NOTE N - TRANSFERS TO STATE GENERAL FUND

During the year, the following cash transfers were made from the Commission to the State of New Mexico's General Fund:

	<u>Amount</u>
Racing Receipts Fund:	
Transfer from Fund #81400 to Fund #85300	<u>\$ 888,579</u>
General Fund Reversions:	
Transfer from Fund #19200 to Fund #85300 for Executive Order 2009-044	\$ 135,600
Transfer from Fund #19200 to Fund #85300 for FY10 fund balance	22,438
Transfer from Fund #19200 to Fund #85300 for FY11 accounts payable	32,190
	<u>\$ 190,228</u>

NOTE O - DUE TO STATE GENERAL FUND

Due to state general fund consists of the following items as of June 30, 2010:

General Fund Reversions:	
FY09 Reversion	\$ 73,900
FY10 Reversion - Executive Order 2009-044	135,600
FY10 Reversion - Ending Fund Balance	22,438
FY10 Reversion - FY11 Accounts Payable	32,190
	<u>\$ 264,128</u>

NOTE P - NEGATIVE NET ASSETS

The net assets - unrestricted (deficit) of \$82,511 in the Statement of Net Assets is due to the negative fund balance created from accounts payable that were not paid timely in FY10. They will be paid out of the budget of the following fiscal year. In addition, this negative balance includes \$56,181 of compensated absences that were accrued at June 30, 2010 but will be paid for out of future appropriations.

June 30, 2010

	Occupational License	Racing Receipts	Suspense Refunds	Total
Assets				
Cash and cash equivalents	\$ -	\$ 141,022	\$ -	\$ 141,022
Investment in the State				
General Fund Investment Pool	63,751	-	74,436	138,187
	<u>\$ 63,751</u>	<u>\$ 141,022</u>	<u>\$ 74,436</u>	<u>\$ 279,209</u>
Liabilities				
Due to other state agencies	\$ 5,577	\$ -	\$ -	\$ 5,577
Due to state general fund	58,174	141,022	74,436	273,632
	<u>\$ 63,751</u>	<u>\$ 141,022</u>	<u>\$ 74,436</u>	<u>\$ 279,209</u>

NEW MEXICO RACING COMMISSION
COMBINING SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ALL AGENCY FUNDS

For the Year Ended June 30, 2010

	Balance June 30, 2009	Additions	Deletions	Balance June 30, 2010
Occupational License - Assets				
Investment in STGF investment pool	\$ 106,708	\$ -	\$ 42,957	\$ 63,751
Total assets	<u>\$ 106,708</u>	<u>\$ -</u>	<u>\$ 42,957</u>	<u>\$ 63,751</u>
Occupational License - Liabilities				
Due to other state agencies	\$ 2,603	\$ 45,932	\$ 42,958	\$ 5,577
Due to state general fund	104,105	-	45,931	58,174
Total Liabilities	<u>\$ 106,708</u>	<u>\$ 45,932</u>	<u>\$ 88,889</u>	<u>\$ 63,751</u>
Racing Receipts - Assets				
Cash and cash equivalents	\$ 151,433	\$ 888,579	\$ 898,990	\$ 141,022
Investment in STGF investment pool	186,864	957,948	1,144,812	-
Taxes receivable	9,260	-	9,260	-
Other receivable	21,489	-	21,489	-
Due from other funds	58,958	-	58,958	-
Total assets	<u>\$ 428,004</u>	<u>\$ 1,846,527</u>	<u>\$ 2,133,509</u>	<u>\$ 141,022</u>
Racing Receipts - Liabilities				
Accounts payable	\$ 29,550	\$ -	\$ 29,550	\$ -
Due to state general fund	398,454	887,380	1,144,812	141,022
Total Liabilities	<u>\$ 428,004</u>	<u>\$ 887,380</u>	<u>\$ 1,174,362</u>	<u>\$ 141,022</u>
Suspense Funds - Assets				
Investment in STGF investment pool	\$ 80,436	\$ 7,000	\$ 13,000	\$ 74,436
Total assets	<u>\$ 80,436</u>	<u>\$ 7,000</u>	<u>\$ 13,000</u>	<u>\$ 74,436</u>
Suspense Funds - Liabilities				
Due to state general fund	\$ 3,706	\$ 83,730	\$ 13,000	\$ 74,436
Other liabilities	76,730	-	76,730	-
Total Liabilities	<u>\$ 80,436</u>	<u>\$ 83,730</u>	<u>\$ 89,730</u>	<u>\$ 74,436</u>
Total Assets				
Cash and cash equivalents	\$ 151,433	\$ 888,579	\$ 898,990	\$ 141,022
Investment in STGF investment pool	374,008	964,948	1,200,769	138,187
Taxes receivable	9,260	-	9,260	-
Other receivable	21,489	-	21,489	-
Due from other funds	58,958	-	58,958	-
Total assets	<u>\$ 615,148</u>	<u>\$ 1,853,527</u>	<u>\$ 2,189,466</u>	<u>\$ 279,209</u>
Total Liabilities				
Accounts payable	\$ 29,550	\$ -	\$ 29,550	\$ -
Due to other state agencies	2,603	45,932	42,958	5,577
Due to state general fund	506,265	971,110	1,203,743	273,632
Other liabilities	76,730	-	76,730	-
Total Liabilities	<u>\$ 615,148</u>	<u>\$ 1,017,042</u>	<u>\$ 1,352,981</u>	<u>\$ 279,209</u>

For the Year Ended June 30, 2010

Account Name	Account Type	Financial Statement Balance
Cash and cash equivalents in area banks:		
Compass Bank - Albuquerque	Checking	\$ 110,930
Compass Bank - Albuquerque	Checking	929
Wells Fargo Bank - Farmington	Checking	10,034
Wells Fargo Bank - Ruidoso	Checking	18,522
Wells Fargo Bank - Hobbs	Checking	324
Wells Fargo Bank - Dona Ana County	Checking	283
		\$ 141,022

Investment in State Treasurer General Fund Investment Pool

	NMRC Fund Number	Fund Balance
General Fund	192	\$ 354,125
Occupational License Fund	379	63,751
Racing Receipts Fund	814	-
Suspense Refunds Fund	845	74,436
		\$ 492,312

Collateral Pledged

The above cash with area banks represents balances for demand deposits which were insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000 for each of the financial institutions.

No security is required for the deposit of public money that is insured by the FDIC according to Section 6-10-16 NMSA 1978.



KARDAS • ABEYTA • WEINER P.C.
Certified Public Accountants

**Report on Internal Control Over Financial Reporting and on Compliance and Other Matters
Based on an Audit of Financial Statements Performed in Accordance With *Government
Auditing Standards***

To the Commissioners of the
New Mexico Racing Commission
Albuquerque, New Mexico

We have audited the financial statements of the governmental activities, the general fund, the aggregate remaining fund information, the budgetary comparison for the general fund, and the combining statement of fiduciary assets and liabilities presented as supplemental information of the New Mexico Racing Commission (Commission) as of and for the year ended June 30, 2010, and have issued our report thereon dated December 10, 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 Commission's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in 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 and other deficiencies that we consider to be significant deficiencies.

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 Commission'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 listed as finding 07-3.

A *significant deficiency* is a deficiency or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying schedule of findings and responses to be significant deficiencies listed as findings 04-4 and 10-3.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We also noted certain other matters that are required to be reported pursuant to Government Auditing Standards paragraphs 5.14 and 5.16, and pursuant to Section 12-6-5, NMSA 1978, which are described in the accompanying schedule of findings and responses as findings 09-2, 10-1, 10-2 and 10-4.

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

This report is intended solely for the information and use of management, the Commissioners of the New Mexico Racing Commission, others within the entity, the New Mexico Department of Finance and Administration, the State Auditor, and the New Mexico Legislature, and is not intended to be and should not be used by anyone other than these specified parties.

Kardas, Abeyta & Wesner, P.C.

December 10, 2010

NEW MEXICO RACING COMMISSION
SUMMARY SCHEDULE OF PRIOR YEAR AUDIT FINDINGS
For The Year Ended June 30, 2010

Finding	Status
04-4 Cash Management	Repeated and Modified
07-3 Qualifications and Training to Apply Generally Accepted Accounting Principles (GAAP)	Repeated and Modified
08-1 Capital Improvement Tax Offset Agency Fund Schedules are not reconciled	Resolved
08-2 Compensated Absences Records	Resolved
09-1 Agency Fund Receipts not posted to Statewide Human Resource Accounting and Management Reporting System (SHARE) General Ledger	Resolved
09-2 Agency Fund Receipts collected by the various racetracks are not being deposited on a daily basis.	Repeated and Modified

Section I - Summary of Auditors' Results

Financial Statements

Type of auditors' report issued: Unqualified

Internal Control Over Financial Reporting:

- Material weakness(es) identified? Yes

Finding 07-3

- Significant deficiencies identified that are not considered to be material weakness(es)? Yes

Finding 04-4

Finding 10-3

Section II - Financial Statement Findings

04-4 - Cash Management

CONDITION

During our review of transfers from the individual track accounts to the State Treasurer Transfer account we noted that transfers from the track accounts to the State Treasurer's account were not being performed on a timely basis.

CRITERIA

Per section 12-6-5 NMSA 1978, "any violation of law or good accounting practice should be presented as a finding." The Commission is a pass through entity for the purpose of the State Treasurer funds. Prudent money management policies would require the agency transfer funds received from the various track accounts to the State Treasurer in a reasonable amount of time.

CAUSE

The New Mexico Racing Commission does not have policies or procedures in place to ensure that transfers are being done within a specific timetable.

EFFECT

The State of New Mexico does not receive money due to the State General Fund on a timely basis.

RECOMMENDATION

The Administrative Manager should set up a system to ensure transfers are done in a timely manner. In addition, the amount of the liabilities should be determined on each agency fund and thus the Commission would know the amount that needs to be transferred.

MANAGEMENT RESPONSE

Internal controls will be modified to accommodate two transfers, 1st and 19th of each month, the process will also account for liability amounts for each fund to ensure each transfer is accounted for accurately. A report will be provided on a monthly basis to management to ensure compliance.

Section II - Financial Statement Findings

07-3 - Qualifications and Training to Apply Generally Accepted Accounting Principles (GAAP)

CONDITION

During our testwork for the Commission, it was noted that the year end accruals were not prepared and the Commission is unable to prepare their own financial statements. Management does not have the qualifications and training necessary to apply GAAP in recording financial transactions and preparing their financial statements.

CRITERIA

Per Statement on Auditing Standards No. 115, the person responsible for the accounting and reporting function should possess the skill and knowledge to apply GAAP in recording the Commission's financial transactions or preparing its financial statements.

CAUSE

Employees and management, upon being employed with the Commission, were not required to possess these qualifications or training.

EFFECT

The Commission will not be able to apply generally accepted accounting principles and prepare their own financial statements.

RECOMMENDATION

We recommend that employees responsible for financial reporting obtain training to develop their skills over financial reporting and preparation of their own financial statements.

MANAGEMENT RESPONSE

Administrative staff responsible for financial reporting has already set up training to educate employees on preparation of financial reporting. Management will allow time for staff to obtain this training.

Section II - Financial Statement Findings

10-3 - Bank Reconciliations for Authorized Cash Accounts

CONDITION

During our testwork over cash, it was noted that bank reconciliations were not being performed for the six authorized cash accounts for the individual racetracks.

CRITERIA

Bank reconciliations need to be performed monthly and reviewed by appropriate personnel in a timely manner to ensure that the general ledger balance is accurate.

CAUSE

Employees responsible for accounting and financial reporting did not prepare bank reconciliations in a timely manner for the six authorized cash accounts.

EFFECT

Due to the lack of timely bank reconciliations and the delay in updating accounting records, there is greater potential for misstatements in financial reporting.

RECOMMENDATION

The Commission needs to assign a responsible party to ensure that accounting records are updated and reconciliations are performed and reviewed in a timely manner.

MANAGEMENT RESPONSE

Currently bank statements and deposits are being reconciled on a monthly basis, but the final reconciliation to SHARE reports is lacking. Administrative staff is currently working with DFA staff to obtain training and ensure compliance.

Section III - Other Matters as Required by New Mexico State Statute 12-6-5, NMSA 1978

09-2 - Agency Fund Receipts Collected are not Deposited on a Daily Basis

CONDITION

During our test work we noted two instances where cash receipts collected by the individual racetracks were not deposited within the twenty-four hour required timeframe.

CRITERIA

Per sections 2.2.2.10 (G)(4)NMAC of the Public Money Act requires that funds collected daily be deposited on a daily basis.

CAUSE

Administrative staff at the racetrack locations are not consistently adhering to the policy set forth by the State of New Mexico and the Racing Commission.

EFFECT

The possibility exists that public funds could be misplaced, lost or misappropriated.

RECOMMENDATION

The administrative office needs to monitor the daily cash reports submitted by the various racetrack locations to insure that funds are being deposited on a daily basis. In addition, the administrative staff at each racetracks needs to understand and adhere to the policy set forth by the State of New Mexico and the Racing Commission.

MANAGEMENT RESPONSE

On December 1, 2010, a directive was reiterated to staff with regards to the 24 hour deadline for funds received. Administration will monitor deposits to ensure compliance with the 24 hour time period.

Section III - Other Matters as Required by New Mexico State Statute 12-6-5, NMSA 1978

10-1 - Incomplete / Missing Payroll Forms

CONDITION

During our test work of payroll we noted the following instances of non-compliance from our sample of seventeen:

- One employee's Form I-9 was not complete due to lack of hire date.
- Three employees did not have forms properly completed (tax authorization and PERA form).
- Eight employees were missing required forms (tax authorization, direct deposit, PERA form).

CRITERIA

The New Mexico Racing Commission has established policies and procedures that require the information within the employee's files be complete and accurate.

CAUSE

Due to clerical errors, all of the proper forms were not properly filed, completed, and authorizations were not included in the file.

EFFECT

The New Mexico Racing Commission was not in compliance with their payroll policies and procedures. In addition, if we extrapolate our findings to the overall population, it is probable that two employees will have incomplete I-9's on file, five employee's forms will not be properly completed, and thirteen employees will not have the required forms in their files.

RECOMMENDATION

Personnel responsible for the employee files should review relevant documentation to ensure that all forms are properly completed and filed.

MANAGEMENT RESPONSE

The above referenced conditions have been reviewed by administrative staff. Corrections required the following: completion of incomplete forms; completed new forms for missing forms; forms were located in an alternate folder and placed in subsequent files. For compliance with missing retirement applications, PERA has been contacted to obtain copies of original forms. PLEASE NOTE: Although the above referenced forms were not located in employee files or incomplete, paycheck deductions were accurate with no payroll adjustments required. Administrative staff will review personnel files to verify all forms are complete and filed accurately and internal controls will be modified to accommodate these changes.

Section III - Other Matters as Required by New Mexico State Statute 12-6-5, NMSA 1978

10-2 - Earned Leave

CONDITION

During our testwork over payroll and accrued compensated absences, we noted one employee (out of our payroll sample of twenty-five paychecks) that was underpaid due to an error in calculating and applying earned paid leave. In addition, we noted one instance (out of twenty-seven records examined for accrued compensated absences) in which an employee's hours were calculated incorrectly in the spreadsheet used for internal tracking.

CRITERIA

The New Mexico Racing Commission has established policies and procedures to properly accrue, allocate and pay for earned paid leave.

CAUSE

Due to an error in the spreadsheet and lack of monitoring, there was an error in calculating and applying earned paid leave.

EFFECT

The New Mexico Racing Commission was not in compliance with their payroll policies and procedures and an employee was underpaid \$53.40 in annual leave. In addition, the error in the spreadsheet resulted in an overstatement of the year end liability for accrued compensated absences of \$132.75. If we extrapolate our findings to the overall population, it is probable that twenty-two paychecks will potentially have an error in paid time to employees.

RECOMMENDATION

Personnel responsible for oversight should continue to review paychecks to determine correct paid time is given to each employee.

MANAGEMENT RESPONSE

The established procedure in place does allow administrative staff to properly account for earned leave, however, the aboved referenced condition was an oversight by staff. This oversight has since been corrected and employee will be reimbursed earned leave. Staff will continue to adhere to policy for compliance.

Section III - Other Matters as Required by New Mexico State Statute 12-6-5, NMSA 1978

10-4 - Reversion to State General Fund at June 30, 2009

CONDITION

The Commission's unreserved undesignated fund balance of \$73,900 as of June 30, 2009 was not timely reverted back to the State General Fund by the required due date.

CRITERIA

Under NMSA 1978, Section 6-5-10, all unreserved, undesignated fund balances in reverting funds and accounts as reflected in the central accounting system (SHARE) as of June 30 shall revert by September 30 or within forty-five days of release of the audit report for that fiscal year to the general fund.

CAUSE

The Commission did not put in place procedures to monitor reversion of unexpended general fund balances by the required due date.

EFFECT

The State of New Mexico did not receive money due the State General Fund in a timely basis.

RECOMMENDATION

We recommend that the Commission develop and implement internal accounting control procedures to monitor reversion of unexpended general fund balances to comply with state statute.

MANAGEMENT RESPONSE

The Commission will prepare the necessary journal entry to revert the FY09 reversion to the State General Fund and establish follow up procedures to comply in future years.

For the Year Ended June 30, 2010

An exit conference was held on December 7, 2010, with the following in attendance:

New Mexico Racing Commission

Arnold Rael, Commissioner
India Hatch, Agency Director

Kardas, Abeyta & Weiner, P.C.

Gerald Kardas, Principal
Jeremy Hamlin, Accountant

Kardas, Abeyta & Weiner, P.C. prepared draft financial statements and note disclosures from trial balances and records provided by the Commission's management which was subsequently reviewed and approved by management.
