



**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
A COMPONENT UNIT OF THE STATE OF WEST VIRGINIA
Regular Audit
For the Fiscal Years Ended June 30, 2019 and 2018**

313 Second St.
Marietta, OH 45750
740 373 0056

1907 Grand Central Ave.
Vienna, WV 26105
304 422 2203

150 W. Main St., #A
St. Clairsville, OH 43950
740 695 1569

1310 Market St., #300
Wheeling, WV 26003
304 232 1358

749 Wheeling Ave., #300
Cambridge, OH 43725
740 435 3417

www.perrycpas.com

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
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313 Second St.
Marietta, OH 45750
740.373.0056

1907 Grand Central Ave.
Vienna, WV 26105
304.422.2203

150 West Main St.
St. Clairsville, OH 43950
740.695.1569

1310 Market St., Suite 300
Wheeling, WV 26003
304.232.1358

749 Wheeling Ave., Suite 300
Cambridge, OH 43725
740.435.3417

INDEPENDENT AUDITOR'S REPORT

September 6, 2019

Public Defender Corporation for the Eighteenth Judicial Circuit
202 Tunnelton Street Suite 303
Kingwood, WV 26537

To the Board of Directors:

Report on the Financial Statements

We have audited the accompanying financial statements of the **Public Defender Corporation for the Eighteenth Judicial Circuit**, West Virginia, a component unit of the State of West Virginia (the Corporation), as of and for the years ended June 30, 2019 and 2018, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for preparing and fairly presenting these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes designing, implementing, and maintaining internal control relevant to preparing and fairly presenting financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to opine on these financial statements based on our audit. We audited in accordance with auditing standards generally accepted in the United States of America and the financial audit standards in the Comptroller General of the United States' *Government Auditing Standards*. Those standards require us to plan and perform the audit to reasonably assure the financial statements are free from material misstatement.

An audit requires obtaining evidence about financial statement amounts and disclosures. The procedures selected depend on our judgment, including assessing the risks of material financial statement misstatement, whether due to fraud or error. In assessing those risks, we consider internal control relevant to the Corporation's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not to the extent needed to opine on the effectiveness of the Corporation's internal control. Accordingly, we express no opinion. An audit also includes evaluating the appropriateness of management's accounting policies and the reasonableness of their significant accounting estimates, as well as our evaluation of the overall financial statement presentation.

We believe the audit evidence we obtained is sufficient and appropriate to support our audit opinion.

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Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Public Defender Corporation for the Eighteenth Judicial Circuit, West Virginia, as of June 30, 2019 and 2018, and the changes in financial position and cash flows thereof for the years then ended in accordance with the accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require this presentation to include *Management's discussion and analysis*, schedules of net pension and OPEB liabilities and pension and OPEB contributions listed in the table of contents, to supplement the basic financial statements. Although this information is not part of the basic financial statements, the Governmental Accounting Standards Board considers it essential for placing the basic financial statements in an appropriate operational, economic, or historical context. We applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, consisting of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, to the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not opine or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to opine or provide any other assurance.

Supplementary and Other Information

Our audit was conducted to opine on the Corporation's basic financial statements taken as a whole.

The Schedule of Budget to Actual Expenses – Cash Basis presents additional analysis and is not a required part of the basic financial statements.

The schedule is management's responsibility, and derives from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. We subjected this schedule to the auditing procedures we applied to the basic financial statements. We also applied certain additional procedures, including comparing and reconciling the schedule directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves in accordance with auditing standards generally accepted in the United States of America. In our opinion, this schedule is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 6, 2019, on our consideration of the Corporation's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. That report describes the scope of our internal control testing over financial reporting and compliance, and the results of that testing, and does not opine on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Corporation's internal control over financial reporting and compliance.

A handwritten signature in cursive script that reads "Perry & Associates CPAs A.C.".

Perry and Associates
Certified Public Accountants, A.C.
Marietta, Ohio

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018
UNAUDITED**

This discussion and analysis of the Public Defender Corporation for the Eighteenth Judicial Circuit of the State of West Virginia's financial performance provides an overview of the Corporation's financial activities for the fiscal years ended June 30, 2019 and 2018, and identifies changes in the Corporation's financial position.

OVERVIEW OF BASIC FINANCIAL STATEMENTS

These statements are in two parts — management's discussion and analysis (this section) and the basic financial statements. The Corporation's financial statements are prepared on the accrual basis of accounting and are reported in accordance with accounting principles generally accepted in the United States of America. These statements include the statements of net position, the statements of revenues, expenses and changes in net position, the statements of cash flows and the notes to the financial statements.

The Statement of Net Position presents the Corporation's assets, deferred outflows, liabilities, deferred inflows and net position as of the date of the financial statements. Through this presentation one can decipher the health of the Corporation by taking the difference between the assets and liabilities. An increase or decrease in the Corporation's net position from one year to the next is an indicator of whether its financial health is improving or deteriorating.

The Statement of Revenues, Expenses, and Changes in Net Position reports revenues when earned and expenses incurred. This means that all of the current year's revenues and expenses are included regardless of when cash is received or paid, thus providing a view of financial position that is similar to that presented by most private-sector companies. This statement summarizes the cost of providing legal defense services to those individuals charged with a violation of the law but who cannot afford an attorney to defend themselves or to represent indigent persons or juveniles and mental hygiene cases as appointed by the court.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018
UNAUDITED**

Financial Analysis of the Corporation

	<u>2019</u>	<u>2018</u>	<u>Restated</u> <u>2017</u>
Assets			
Other assets	\$ 177,074	\$ 180,536	\$ 176,798
Total Assets	<u>177,074</u>	<u>180,536</u>	<u>176,798</u>
Deferred outflow of resources	45,727	45,418	105,311
Liabilities			
Long-term liabilities	158,114	196,664	306,839
Short-term liabilities	<u>15,247</u>	<u>20,745</u>	<u>19,991</u>
Total Liabilities	<u>173,361</u>	<u>217,409</u>	<u>326,830</u>
Deferred inflow of resources	58,065	48,925	18,645
Net Position			
Unrestricted	<u>(8,625)</u>	<u>(40,380)</u>	<u>(63,366)</u>
Total net position	<u>\$ (8,625)</u>	<u>\$ (40,380)</u>	<u>\$ (63,366)</u>

The Corporation's revenues are derived from funding from West Virginia Public Defender Services (WVPDS) and accordingly 100% of the Corporation's revenues were derived from this funding for the years ended June 30, 2019, 2018 and 2017.

	<u>2019</u>	<u>2018</u>	<u>Restated</u> <u>2017</u>
Operating revenue	\$ 387,935	\$ 386,530	\$ 385,530
Operating expenses	<u>365,950</u>	<u>371,040</u>	<u>362,634</u>
Operating income	<u>21,985</u>	<u>15,490</u>	<u>22,896</u>
Non-operating revenue	<u>9,770</u>	<u>7,496</u>	<u>-</u>
Change in net position	<u>31,755</u>	<u>22,986</u>	<u>22,896</u>
Net position beginning of year	<u>(40,380)</u>	<u>(63,366)</u>	<u>(86,262)</u>
Net position at end of year	<u>\$ (8,625)</u>	<u>\$ (40,380)</u>	<u>\$ (63,366)</u>

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018
UNAUDITED**

Detailed Financial Analysis of the Corporation

Grant income increased by \$1,405 and cash held by the Corporation increased by \$30,215 and grants receivable decreased by \$33,677 as a result of operating revenues exceeding operating cost for the fiscal year ended June 30, 2019. All other assets, deferred outflows, liabilities and deferred inflows remained basically consistent with the prior period.

Operating expenses for the fiscal year decreased by \$5,090. This decrease is mostly attributable to an increase in personal services of \$1,893, decrease in employee benefits of \$10,296 and an increase in all other expenses of \$3,313. The increase in personal services is attributable to staffing raises while the increase in all other expenses is associated with increases in support services.

Capital Asset and Debt Activity

As of June 30, 2019, 2018, and 2017, the Corporation had capital assets costing approximately \$31,350, \$31,350, and \$31,350, respectively. The Corporation's capital assets include furniture and fixtures, and office and computer equipment. The assets were being depreciated over useful lives of three to ten years. The accumulated depreciation on the assets amounted to approximately \$31,350, \$31,350, and \$31,350, respectively. There were no asset disposals during the current year. There were no purchases of capital assets for the years ended June 30, 2019, 2018, and 2017. More detailed information is presented in Note 6 to the financial statements. The Corporation had no debt for the years ended June 30, 2019 or 2018.

Cash Management

The Corporation's funds are deposited into a checking account at a national banking institution. The account earns no interest.

Economic Factors and Next Year's Budget

The West Virginia Public Defender Services, the Corporation's oversight agency, looked at various factors when approving the budget for the year ending June 30, 2020. Such factors considered include: the Corporation's case load in comparison to the number of professional and nonprofessional staff, the type, amount and rate of employee benefits, the anticipation of large or unusual cases which require additional resources, capital needs, as well as the operating environment and its operation needs.

For the year ending June 30, 2020, the Corporation has an approved budget of \$417,148. This represents a budget increase of approximately 5.47 percent or \$21,636 from the prior year. Individual budget categories have comparable decreases to budgeted categories of the prior budget year.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018
UNAUDITED**

Requests for Information

The financial report is designed to provide an overview of the finances of the Corporation for those with an interest in the organization. Questions concerning any of the information provided in this report or request for additional financial information should be addressed to the Corporation at Public Defender Corporation, 18th Judicial Circuit, 202 Tunnelton Street, Suite 303, Kingwood, WV 26537.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
STATEMENTS OF NET POSITION
AS OF JUNE 30, 2019 AND 2018**

	2019	2018
ASSETS		
Current assets		
Cash and cash equivalents	\$ 177,074	\$ 146,859
Grant receivable	-	33,677
Total current assets	177,074	180,536
Capital assets		
Computer and equipment	17,628	17,628
Furniture and fixtures	13,722	13,722
	31,350	31,350
Less accumulated depreciation	(31,350)	(31,350)
Capital assets, net	-	-
Total assets	177,074	180,536
DEFERRED OUTFLOWS OF RESOURCES		
Pension	27,620	34,798
OPEB	18,107	10,620
Total deferred outflows of resources	45,727	45,418
Total Assets and Deferred Outflows of Resources	\$ 222,801	\$ 225,954
LIABILITIES		
Current liabilities		
Accrued expenses	\$ 2,287	\$ 3,261
Compensated absences	12,960	17,484
Total current liabilities	15,247	20,745
Long term liabilities		
Other post employment benefit liability	111,498	118,880
Net pension liability	46,616	77,784
Total long term liabilities	158,114	196,664
Total liabilities	173,361	217,409
DEFERRED INFLOWS OF RESOURCES		
Pension	30,601	29,362
OPEB	27,464	19,563
Total deferred inflows of resources	58,065	48,925
NET POSITION		
Unrestricted (deficit)	(8,625)	(40,380)
Total net position	(8,625)	(40,380)
Total Liabilities, Deferred Inflows of Resources and Net Position	\$ 222,801	\$ 225,954

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

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

	<u>2019</u>	<u>2018</u>
OPERATING REVENUES		
WV Public Defender Services Grant Revenue	\$ 387,935	\$ 386,530
Total operating revenues	<u>387,935</u>	<u>386,530</u>
OPERATING EXPENSES		
Personal services	256,992	255,099
Employee benefits	59,301	69,597
Support services	7,825	8,488
Administrative support	4,950	4,707
Office	32,832	30,042
Other	158	-
Acquisition	3,892	3,107
Depreciation	-	-
Total operating expenses	<u>365,950</u>	<u>371,040</u>
Operating income	<u>21,985</u>	<u>15,490</u>
NONOPERATING REVENUES		
State Support OPEB Revenue	<u>9,770</u>	<u>7,496</u>
Total nonoperating revenues	<u>9,770</u>	<u>7,496</u>
Change in net position	31,755	22,986
Net position, beginning of year	<u>(40,380)</u>	<u>(63,366)</u>
Net position, end of year	<u>\$ (8,625)</u>	<u>\$ (40,380)</u>

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

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

	2019	2018
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 421,612	\$ 352,853
Cash paid for goods and services	(134,405)	(127,693)
Cash paid to employees	(256,992)	(255,099)
Net cash provided by (used in) operating activities	30,215	(29,939)
Net increase (decrease) in cash and cash equivalents	30,215	(29,939)
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	146,859	176,798
CASH AND CASH EQUIVALENTS, END OF YEAR	\$ 177,074	\$ 146,859
RECONCILIATION OF OPERATING INCOME TO NET CASH (USED IN) PROVIDED BY OPERATING ACTIVITIES		
Operating income	\$ 21,985	\$ 15,490
Adjustments to reconcile operating income to net cash provided by operating activities:		
State Support OPEB Expense	9,770	7,496
(Increase) decrease in operating assets		
Grant receivable	33,677	(33,677)
Deferred outflows	(309)	59,893
Increase (decrease) in operating liabilities		
Accrued expenses	(974)	(22)
Compensated absences	(4,524)	776
Pension liability	(31,168)	(87,081)
Deferred inflows	9,140	30,280
Other postemployment benefit liability	(7,382)	(23,094)
Total adjustments	8,230	(45,429)
Net cash provided by (used in) operating activities	\$ 30,215	\$ (29,939)

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

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of the Reporting Entity

The Public Defender Corporation for the Eighteenth Judicial Circuit (the 'Corporation') is a not-for-profit Corporation created under authority of Article 21, Chapter 29 of the West Virginia State Code. The Corporation is a discretely presented component unit of the State of West Virginia and is funded by West Virginia Public Defender Services. The purpose of the Corporation is to provide high quality legal assistance to indigent persons, at no cost, who would be otherwise unable to afford adequate legal counsel.

Component units are legally separate organizations for which the Corporation is financially accountable. The Corporation is financially accountable for an organization if it appoints a voting majority of the organization's governing board and (1) is able to significantly influence the programs or services performed or provided by the organization; or (2) is legally entitled to or can otherwise access the organization's recourses; is legally obligated or has otherwise assumed the responsibility to finance deficits of or provide financial support to the organization; or is obligated for the debt of the organization. Based upon the application of these criteria, the Corporation has no component units.

The Corporation's management believes these financial statements present all activities for which the Corporation is financially accountable.

Enterprise Funds

Enterprise funds are accounted for in a manner similar to private business enterprises where the intent of management is that the costs and expenses, including depreciation, of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges and/or where management has decided that periodic determination of revenues earned, expenses incurred, and net income is appropriate for capital maintenance, public policy, management control and accountability.

Basis of Accounting

Basis of accounting refers to when revenues and expenses are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made. The accounting policies of the Corporation conform to accounting policies generally accepted in the United States of America. For financial statement presentation purposes, the Corporation utilizes the accrual basis of accounting. Under this method of accounting, revenues are recognized when they are earned. Expenses are recognized under the accrual basis of accounting when the liability is incurred.

The Corporation's operations are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets, deferred outflows of resources, liabilities and deferred inflows of resources associated with operations are included on the statement of net position. Net position is segregated based on restrictions imposed. The categories of net position are net investment in capital assets, restricted and unrestricted. The statement of revenues, expenses and changes in net position presents increases (i.e. revenues) and decreases (i.e. expenses) in total net position.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Cash and Cash Equivalents

For the purpose of the statement of cash flows and for the presentation on the statement of net position, the Corporation considers all highly liquid investments with a maturity when purchased of three months or less to be cash equivalents.

Capital Assets

Capital assets are stated at cost. The Corporation provides for depreciation of capital assets on the straight-line method based upon estimated service lives. The Corporation's threshold for asset capitalization is \$1,000.

Estimated useful lives of the assets are as follows:

Office Equipment	3-10 years
Furniture and Fixtures	3-10 years

Net Position

Net position represents the difference between all other elements on the statement of financial position. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction or improvement of those assets. Net position is reported as restricted when there are limitations imposed on its use either through enabling legislation adopted by the Corporation or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments. The Corporation's policy is to first apply restricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available. No portion of the Corporation's net position was restricted at June 30, 2019 or 2018.

Use of Estimates

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

Inventory

Materials and supplies are expensed at the time of purchase. Therefore, no inventory amounts are reflected in the accompanying financial statements.

Insurance

Property and liability insurance coverage is considered adequate in the circumstances. See Note 5.

Budgetary

The Corporation is not legally required to establish an annual budget, however the Corporation does approve a budget and monitor it internally.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Pension

For purposes of measuring the net pension liability and deferred outflows/inflows of the resources related to pensions, and pension expense, information about the fiduciary net position of the Corporation's Public Employee Retirement System (PERS), and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by the PERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Operating Revenues and Expenses

Operating revenues are those revenues that are generated directly from the primary activity of the proprietary fund. For the Corporation, these revenues are grants from West Virginia Public Defender Services.

Operating expenses are those expenses that are expended directly for the primary activity of the proprietary fund. For the Corporation, these expenses are primarily administrative, benefits, maintenance and operations, depreciation, and travel expenses.

Income Taxes

The Corporation is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Therefore, no provision for income tax has been recorded in the accompanying financial statements.

Accounting principles generally accepted in the United States require management to evaluate tax positions taken by the Corporation and recognize a tax liability (or asset) if the Corporation has taken an uncertain position that more likely than not would not be sustained upon examination by the Internal Revenue Service (IRS). Management has analyzed the tax positions taken by the Corporation, and has concluded that as of June 30, 2018, there are no uncertain positions taken or expected to be taken that would require recognition of a liability (or asset) or disclosure in the financial statements. The Corporation is subject to routine audits by taxing jurisdictions, however, there are currently no audits for any tax periods in progress. The Corporation's Federal Return of Organization Exempt from Income Tax (federal Form 990) for 2016, 2017 and 2018 are subject to examination by the IRS, generally for three years after they were filed.

Deferred Outflows/Inflows of Resources

In addition to assets and liabilities, the statement of net position may report deferred outflows/inflows of resources. Deferred outflows of resources represent a consumption of net position that applies to a future period and will not be recognized as an outflow of resources (expense/expenditure) until that time. Deferred inflows of resources represent an acquisition of net position that applies to a future period and will not be recognized as an inflow of resources (revenue) until that time. The Corporation reported deferred inflows and outflows of resources for 2019 and 2018.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Other Post-Employment Benefits (OPEB)

It is the Corporation's policy to permit employees to accumulate earned but unused sick pay benefits. Sick benefits can be accumulated for unlimited days in the current year and a maximum of 200 hours can be carried forward to the subsequent fiscal year. When separated from employment, employees' sick leave benefits are considered ended and no reimbursement is provided.

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the State OPEB Plan and additions to/deductions from the OPEB Plan's fiduciary net position have been determined on the same basis as they are reported by West Virginia Retiree Health Benefit Trust Fund (RHBT). For this purpose, benefit payments are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value, except for certain pooled investments, money market investments and participating interest-earning investment contracts that have a maturity at the time of purchase of one year or less, which are reported at amortized cost. See Note 12 for further discussion.

NOTE 2 CASH HELD AT FISCAL YEAR END

At June 30, 2019 and 2018, the Corporation held cash and cash equivalents of \$177,074 and \$146,859, respectively, consisting of unexpended West Virginia Public Defender Service grant funds. West Virginia Public Defender Services considered this amount in determining the appropriate level of disbursements in the succeeding fiscal year necessary to fund the Corporation's normal operating activities.

NOTE 3 COMPENSATED ABSENCES

The liability for compensated absences reported in the financial statements consists of unpaid, accumulated annual vacation balances. Estimated obligations arise for vacation leave at the current rate of employee pay. Employees with less than 5 years of continuous full-time employment during any period earn 15 days per year or 10 hours monthly. Employees with 5 years, but less than 10 years of full-time employment during any continuous 10-year period, earn 18 days per year or 12 hours monthly. Employees with over 10 years of full-time employment earn 21 days per year or 14 hours monthly. The yearly maximum amount of carry-over hours is 280 hours or 35 days. The maximum Corporation payout is 20 days or 160 hours for annual leave.

Also, the Corporation grants sick leave based on time worked. Full-time employees earn 18 sick days for each year of service with no maximum accumulation. The yearly carry-over total is 200 hours. The Corporation does not accrue any liability for sick leave because no amount is paid at the time of separation of employment.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS

Public Employee Retirement System (PERS)

The Corporation participates in a statewide, cost-sharing, multiple employer defined benefit plan on behalf of the general Corporation employees. The system is administered by agencies of the State of West Virginia and funded by contributions from participants, employers, and State appropriations, as necessary.

The Corporation's cost-sharing multiple-employer plan is administered by the Consolidated Public Retirement Board (CPRB), which acts as a common investment and administrative agent for all of the participating employers. CPRB issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the CPRB website at www.wvretirement.com.

The following is a summary of eligibility factors, contribution methods, and benefits provisions:

Eligibility to participate:	All Corporation full-time employees, except those covered by other pension plans
Authority establishing contribution obligations and benefit provisions:	State statute
Tier 1 Plan member's contribution rate:	4.50% (Employees hired before July 1, 2015)
Tier 2 Plan member's contribution rate:	6.00% (Employee hired after July 1, 2015)
Corporation's contribution rate:	10.00% for FY 2019 and 11.00% for FY 2018
Period required to vest:	5 years (Employees hired before July 1, 2015) 10 years (Employees hired after July 1, 2015)

Benefits and eligibility for distribution:

Tier 1

A member who has attained age 60 and has earned 5 years or more of contributing service or age 55 if the sum of his/her age plus years of credited service is equal to or greater than 80. The final average salary (three highest consecutive years in the last 15) times the years of service times 2% equals the annual retirement benefit.

Tier 2

Qualification for normal retirement is age 62 with 10 years of services or at least age 55 with and service equal to 80 or greater. The average salary is the average of the five consecutive highest annual earnings out of the last fifteen years of earnings) times the years of service times 2% equals the retirement benefit.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

Deferred portion No

Provision for:

Cost of living No
Death benefits Yes

The Corporation's contributions to the West Virginia Public Employees Retirement System for the year ended June 30, 2019 is as follows:

<u>Percentage of Payroll</u>	<u>Total Wages</u>	<u>Coverage Wages</u>	<u>Amount Contributed</u>
Employer Share - 10%	\$ 249,397	\$ 249,397	\$ 24,940
Tier 1 Employee Share - 4.5%	221,897	221,897	9,985
Tier 2 Employee Share - 6%	27,500	27,500	1,650

The Corporation's contributions to the West Virginia Public Employees Retirement System for the year ended June 30, 2018 is as follows:

<u>Percentage of Payroll</u>	<u>Total Wages</u>	<u>Coverage Wages</u>	<u>Amount Contributed</u>
Employer Share - 11%	\$ 249,397	\$ 249,397	\$ 27,434
Tier 1 Employee Share - 4.5%	221,897	221,897	9,985
Tier 2 Employee Share - 6%	27,500	27,500	1,650

Trend Information

<u>Fiscal Year</u>	<u>Annual Pension Cost</u>	<u>Percent Contributed</u>
2019	\$ 24,940	100.00%
2018	27,434	100.00%
2017	33,368	100.00%

For 2019, the required contribution was \$24,940. Of this amount, \$0 is reported in accrued expenses.

PERS issues a publicly available financial report that includes financial statements and required supplementary information. That information may be obtained by writing to the Public Employees' Retirement System, 4101 MacCorkle Avenue, SE, Charleston, WV 25304.

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NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

Pension Liabilities, Pension Expense, Deferred Outflows of Resources, and Deferred Inflows of Resources Related to Pensions

At fiscal year-end, the Corporation reported the following liabilities for its proportionate share of the net pension liabilities. The net pension liabilities were measured as of June 30, 2018 and 2017 for the Corporation fiscal years ended June 30, 2019 and 2018, respectively. The total pension liability used to calculate the net pension liabilities were determined by an actuarial valuation as of June 30, 2017 and rolled forward to June 30, 2018 using the actuarial assumptions and methods described in the appropriate section of this note. The government's proportion of the net pension liabilities was based on a projection of the government's long-term share of contributions to the pension plans relative to the projected contributions of all participating governments, actuarially determined. At June 30, 2019 and 2018, the Corporation reported the following proportions and increase/decreases from its proportion measured as of June 30, 2019 and 2018:

	<u>2019</u>	<u>2018</u>
Amount for proportionate share of net pension liability	\$ 46,616	\$ 77,784
Percentage for proportionate share of net pension liability	0.018050%	0.018020%
Increase/(decrease) in % from prior proportion measured	0.000030%	-0.000083%

For the years ended June 30, 2019 and 2018, the Corporation recognized the following pension expense:

	<u>2019</u>	<u>2018</u>
	<u>PERS</u>	<u>PERS</u>
Pension Expense	<u>\$ 2,189</u>	<u>\$ 11,653</u>

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NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

The Corporation reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources for the year ended June 30, 2019:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 27,431
Net differences between projected and actual experiences	2,312	115
Changes in proportion and differences between contributions and proportionate share of contributions	368	3,055
Contributions subsequent to measurement date	24,940	-
Totals	<u>\$ 27,620</u>	<u>\$ 30,601</u>

The Corporation reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources for the year ended June 30, 2018:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 18,911
Net differences between projected and actual experiences	6,922	172
Deferred differences in assumptions	-	4,035
Changes in proportion and differences between contributions and proportionate share of contributions	442	6,244
Contributions subsequent to measurement date	27,434	-
Totals	<u>\$ 34,798</u>	<u>\$ 29,362</u>

The amount reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ending June 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30:	<u>2019</u>	Year Ended June 30:	<u>2018</u>
2019	\$ 1,052	2019	\$ (10,275)
2020	(4,212)	2020	4,864
2021	(20,119)	2021	(383)
2022	(4,642)	2022	(16,204)
Total	<u>\$ (27,921)</u>	Total	<u>\$ (21,998)</u>

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NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

Actuarial assumptions

The total pension liability was determined by an actuarial valuation as of July 1, 2017 and rolled forward to June 30, 2018 for all plans, using the following actuarial assumptions, applied to all periods included in the measurement.

PERS	June 30, 2018	June 30, 2017
Actuarial Cost Method	Individual entry age normal cost with level percentage of payroll	Individual entry age normal cost with level percentage of payroll
Asset Valuation Method	Fair value	Fair value
Amortization Method	Level dollar, fixed period	Level dollar, fixed period
Amortization Period	Through Fiscal Year 2035	Through Fiscal Year 2035
Actuarial Assumptions:		
Investment Rate of Return	7.50%	7.50%
Projected Salary Increases:		
PERS:		
State	3.0-4.6%	3.0-4.6%
Nonstate	3.35-6%	3.35-6%
Inflation Rate	3.00%	3.00%
Discount Rate	7.50%	7.50%
Mortality Rates	Active - 100% of RP-2000 Non-annuitant, Scale AA fully-generational; Retired healthy males - 110% of RP-2000 Healthy Annuitant, Scale AA fully generational; Retired healthy females - 101% of RP-2000, Healthy Annuitant, Scale AA fully generational; Disabled males - 96% of RP-2000 Disabled Annuitant, Scale AA fully generational; Disabled females - 107% of RP-2000 Disabled Annuitant, Scale AA fully generational.	Active - 100% of RP-2000 Non-annuitant, Scale AA fully-generational; Retired healthy males - 110% of RP-2000 Healthy Annuitant, Scale AA fully generational; Retired healthy females - 101% of RP-2000, Healthy Annuitant, Scale AA fully generational; Disabled males - 96% of RP-2000 Disabled Annuitant, Scale AA fully generational; Disabled females - 107% of RP-2000 Disabled Annuitant, Scale AA fully generational.
Withdrawal Rates:		
State	1.75-35.1%	1.75-35.1%
Nonstate	2-35.88%	2-35.88%
Disability Rates	.007-.675%	.007-.675%
Retirement Rates	12-100%	12-100%
Date Range in Most Recent Experience Study	2009-2014	2009-2014

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NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

The long-term expected rate of return on pension plan investments were determined using a building-block method in which estimates of expected real rates of returns (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of geometric rates of return for each asset class are summarized in the following tables:

2018

<u>Asset Class</u>	<u>Long-term Expected Rate of Return</u>	<u>PERS Target Asset Allocation</u>
Domestic Equity	4.5%	27.5%
International Equity	8.6%	27.5%
Fixed Income	3.3%	15.0%
Real Estate	6.0%	10.0%
Private Equity	6.4%	10.0%
Hedge Funds	4.0%	<u>10.0%</u>
		<u><u>100.0%</u></u>

Discount Rate

The discount rate used to measure the total pension liability was 7.5 percent for all defined benefit plans. The projection of cash flows used to determine the discount rates assumed that employer contributions will continue to follow the current funding policies. Based on those assumptions, the fiduciary net position for each defined benefit pension plan was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rates of return on pension plan investments were applied to all periods of projected benefit payments to determine the total pension liabilities of each plan.

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NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)

Public Employee Retirement System (PERS) (Continued)

The following chart presents the sensitivity of the net pension liability to changes in the discount rate, calculated using the discount rates as used in the actuarial evaluation, and what the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage point higher than the current rate:

2019	1% Decrease 6.50%	Current Discount Rate 7.50%	1% Increase 8.50%
Proportionate share of PERS's Net pension liability	\$ 187,726	\$ 46,616	\$ (72,764)
2018	1% Decrease 6.50%	Current Discount Rate 7.50%	1% Increase 8.50%
Proportionate share of PERS's Net pension liability	\$ 215,336	\$ 77,784	\$ 38,518

Detailed information about the pension plans' fiduciary net position is available in the separately issued financial report available at the Consolidated Public Retirement Board's website at www.wvretirement.com. That information can also be obtained by writing to the West Virginia Consolidated Public Retirement Board, 4101 MacCorkle Avenue SE, Charleston, WV 25304.

NOTE 5 RISK MANAGEMENT

The Corporation is exposed to various risks or loss related to torts, theft, or damage to and destruction of assets, errors and omissions, injuries to employees, and natural disasters. The Board, pursuant to the provisions of State law, participates in the following risk management programs administered by the State.

Board of Risk and Insurance Management (BRIM)

The Corporation participates in the West Virginia Board of Risk and Insurance Management, a common risk insurance pool for all State agencies, component units, board of education, and other local governmental agencies who wish to participate. The Corporation pays an annual premium to BRIM for its general insurance coverage. Fund underwriting and rate setting policies are established by BRIM. The cost of all coverage as determined by BRIM is paid by the participants. The BRIM risk pool retains the risk of the first \$2 million per property event and purchases excess insurance on losses above that level. BRIM has \$1 million per occurrence coverage maximum on all third-party liability claims.

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NOTE 5 RISK MANAGEMENT (Continued)

Public Employees Insurance Agency (PEIA)

The Board provides employees health and basic life insurance benefits through the Public Employees Insurance Agency. PEIA was established by the State of West Virginia to provide a program of health and life insurance for employees of State agencies, institutions of higher learning, boards of education, and component units of the State. In addition, local governmental agencies and certain charitable and public service organizations may request to be covered. PEIA provides a general employee benefit insurance program which includes hospital, surgical, major medical, prescription drug and basic life and accidental death. Fund underwriting and rate setting policies are established by the PEIA Finance Board. The cost of all coverage as determined by the Finance Board is paid by the participants.

Coverage under these programs is limited to \$1 million lifetime for health and \$10,000 of life insurance coverage. Members may purchase up to an additional \$500,000 of life insurance coverage. Premiums are established by PEIA and are paid monthly. The PEIA risk pool retains the risk for the health and prescription features of its indemnity plan, has fully transferred the risks of coverage of the Managed Care Organization (MCO) Plan to the plan provider and has transferred risk of life insurance coverage to a third party insurer.

Workers Compensation Fund (WCF)

West Virginia has numerous private insurance companies which provides workers' compensation coverage to employees. Private insurance companies began offering coverage to private-sector employers beginning July 1, 2008 and to government employers July 1, 2012. Nearly every employer in the State, including all boards of education, which have a payroll, must have coverage. The Corporation is covered by a policy with the Hartford Insurance Company. The cost of all coverage, as determined by Hartford, is paid by the employers.

The WCF risk pool retains the risk related to the compensation of injured employees under the program.

Other Commercial Coverage

The Corporation is exposed to various other risks of loss related to torts; theft of, or damage to and destruction of assets; errors and omissions; injuries to employees; terrorism; natural disasters; and employee dishonesty for which the Corporation purchases commercial insurance coverage.

During the year ended June 30, 2019 the Corporation did not reduce insurance coverage's from coverage levels in place as of June 30, 2018. No settlements have exceeded coverage levels in place during the past three years.

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NOTE 6 CAPITAL ASSETS

The following is a summary of the changes in capital assets for the year ended June 30, 2019:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital Assets Being Depreciated:				
Computer Equipment	\$ 17,628	\$ -	\$ -	\$ 17,628
Furniture and Fixtures	13,722	-	-	13,722
Less: Accumulated Depreciation:				
Computer Equipment	(17,628)	-	-	(17,628)
Furniture and Fixtures	<u>(13,722)</u>	<u>-</u>	<u>-</u>	<u>(13,722)</u>
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The following is a summary of the changes in capital assets for the year ended June 30, 2018:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital Assets Being Depreciated:				
Computer Equipment	\$ 17,628	\$ -	\$ -	\$ 17,628
Furniture and Fixtures	13,722	-	-	13,722
Less: Accumulated Depreciation:				
Computer Equipment	(17,628)	-	-	(17,628)
Furniture and Fixtures	<u>(13,722)</u>	<u>-</u>	<u>-</u>	<u>(13,722)</u>
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

NOTE 7 LONG-TERM OBLIGATIONS

Changes in long-term obligations of the Corporation during the year ended June 30, 2019 were as follows:

	<u>Balance at June 30, 2018</u>	<u>Additions</u>	<u>Reductions</u>	<u>Balance at June 30, 2019</u>	<u>Due Within One Year</u>
Compensated Absences	\$ 17,484	\$ -	\$ -	\$ 12,960	\$ 12,960
OPEB	118,880	-	(7,382)	111,498	-
Net Pension Liability	<u>77,784</u>	<u>-</u>	<u>(31,168)</u>	<u>46,616</u>	<u>-</u>
Total	<u>\$ 214,148</u>	<u>\$ -</u>	<u>\$ (38,550)</u>	<u>\$ 171,074</u>	<u>\$ 12,960</u>

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NOTE 7 LONG-TERM OBLIGATIONS (CONTINUED)

Changes in long-term obligations of the Corporation during the year ended June 30, 2018 were as follows:

	Balance at June 30, 2017	Additions	Reductions	Balance at June 30, 2018	Due Within One Year
Compensated Absences	\$ 16,708	\$ 776	\$ -	\$ 17,484	\$ 17,484
OPEB	141,974	-	(23,094)	118,880	-
Net Pension Liability	164,865	-	(87,081)	77,784	-
Total	<u>\$ 323,547</u>	<u>\$ 776</u>	<u>\$ (110,175)</u>	<u>\$ 214,148</u>	<u>\$ 17,484</u>

NOTE 8 OPERATING LEASES

The Corporation leases copiers and a facility under operating lease agreements. Aggregate payments under these agreements were \$22,601 and \$18,348 for the years ended June 30, 2019 and 2018.

NOTE 9 CONTINGENCIES

The Corporation is on a reimbursement plan with the State of West Virginia, Workforce WV, Unemployment Compensation Division, (Workforce) whereby they no longer pay quarterly premiums. When a liability arises regarding the payment of unemployment, the Corporation will be assessed 100% of the awarded claim filed and payment to Workforce would be made at that time. Any liability arising from the dismissal of employment is uncertain at this time; however, management believes such amounts if any to be immaterial.

The Corporation's programs are funded from state sources, principal of which is programs of the West Virginia Public Defender Services. State grants received for specific purposes are subject to audit and review by grantor agencies. Such audits and reviews could result in requests for reimbursements to grantor agencies for expenditures disallowed under the terms of the grants. The amount, if any, of expenditures which may be disallowed by grantor agencies cannot be determined at this time, although management believes such amounts, if any, to be immaterial.

NOTE 10 SUBSEQUENT EVENTS

Management has evaluated events subsequent to the date of the statement of financial position through September 6, 2019, the date the financial statements were available to be issued. No events have occurred subsequent to the statement of financial position date through September 6, 2019 that would require adjustment or disclosure in the financial statements.

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NOTE 11 NEWLY ADOPTED STATEMENTS ISSUED BY GASB (related to 75 only)

The Governmental Accounting Standards Board has issued Statement No. 83, *Certain Asset Retirement Obligations*, effective for fiscal years beginning after June 15, 2018. The objective of this Statement is to enhance comparability of financial statements among governments by establishing uniform criteria for governments to recognize and measure asset retirement obligations (AROs), including obligations that may not have been previously reported. This statement will also enhance the decision-usefulness of the information provided to financial statement users requiring disclosures related to those AROs. The adoption of GASB Statement No. 83 has no impact on the June 30, 2019 financial statements.

The Governmental Accounting Standards Board has also issued Statement No. 88, *Certain Disclosures Related to Debt, including Direct Borrowings and Direct Placements*, effective for fiscal years beginning after June 15, 2018. The primary objective of this Statement is to improve the information that is disclosed in notes to government financial statements related to debt, including direct borrowings and direct placements. It also clarifies which liabilities governments should include when disclosing information related to debt. The adoption of GASB Statement No. 88 had no impact on the June 30, 2019 financial statements.

NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN

West Virginia Retiree Health Benefit Trust Fund (RHBT)

Plan description:

The West Virginia Other Postemployment Benefit Plan (the OPEB Plan) is a cost-sharing, multiple-employer, defined benefit other post-employment benefit plan and covers the retirees of State agencies, colleges and universities, county boards of education, and other government entities as set forth in the West Virginia Code Section 5-16D-2 (the Code). The financial activities of the OPEB Plan are accounted for in the West Virginia Retiree Health Benefit Trust Fund (RHBT), a fiduciary fund of the State of West Virginia. The OPEB Plan is administered by a combination of the West Virginia Public Employees Insurance Agency (PEIA) and the RHBT staff. OPEB Plan benefits are established and revised by PEIA and the RHBT management with approval of their Finance Board. The PEIA issues a publically available financial report of the RHBT that can be obtained at www.peia.wv.gov or by writing to the West Virginia Public Employees Insurance Agency, 601 571h Street, SE Suite 2, Charleston, WV 25304.

Benefits Provided:

The Corporation's employees who retire are eligible for PEIA health and life benefits, provided they meet the minimum eligibility requirements of the PERS or meet certain other eligibility requirements of other CPRB sponsored retirement plans. RHBT provides medical and prescription drug insurance and life insurance benefits to those qualified participants. Life insurance is provided through a vendor and is fully funded by member contributions. The medical and prescription drug insurance is provided through two options; Self-Insured Preferred Provider Benefit Plan - primarily for non-Medicare-eligible retirees and spouses or External Managed Care Organizations - primarily for Medicare-eligible retirees and spouses.

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NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

The RHBT Medicare-eligible retired employees and their Medicare-eligible dependents receive medical and drug coverage from a Medicare Advantage Plan. Under this arrangement, the vendor assumes the financial risk of providing comprehensive medical and drug coverage with limited copayments. Non-Medicare retirees continue enrollment in PEIA's Preferred Provider Benefit or the Managed Care Option. The RHBT collects employer contributions for Managed Care Organization (MCO) participants and remits capitation payments to the MCO. Survivors of retirees have the option of purchasing the medical and prescription drug coverage.

Eligible participants hired after June 30, 2010, will be required to fully fund premium contributions upon retirement. The Plan is a closed plan to new entrants.

Contribution requirements:

Employer contributions consist of pay as you go premiums, commonly referred to as paygo, and retiree leave conversion billings. Employees are not required to contribute to the OPEB plan.

Paygo premiums are established by the Finance Board annually. All participating employers are required by statute to contribute to the RHBT this premium at the established rate for every active policyholder per month. The paygo rate for fiscal year 2019 was \$183. The rates for fiscal year 2018 were \$177. Rate for fiscal year 2017 was \$135.

The Corporation's contributions to the West Virginia Retiree Health Benefit Trust Fund for the years ended June 30, 2019 and 2018 were \$10,980 and \$10,720. No amount was payable at year-end.

Contributions by Non-employer Contributing Entities in Special Funding Situations:

The State of West Virginia (the State) is a nonemployer contributing entity that provides funding through Senate Bill 419, effective July 1, 2012 and amended by West Virginia Code §11-21-96. For fiscal years beginning on and after July 1, 2016, this Senate Bill and corresponding State Code section requires that an annual amount of \$30 million from the State shall be dedicated for payment of the unfunded liability of the RHBT fund. The \$30 million annual contribution is to continue through July 1, 2037, or until the unfunded liability has been eliminated, whichever comes first.

The State is a nonemployer contributing entity that provides funding through West Virginia State Code §11B-2-32. The Financial Stability Fund is a plan to transfer an annual amount of \$5 Million to the RHBT from special revenue funds to be used to lower retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof. The \$5 million transferred pursuant to this Code shall be transferred annually into the RHBT through June 30, 2020.

The State is a nonemployer contributing entity that provides funding through Senate Bill 469 which was passed February 10, 2012, granting OPEB liability relief to the 55 County Boards of Education effective July 1, 2012. This special funding under the school aid formula subsidizes employer contributions of the county boards of education and contributes to the overall unfunded OPEB liability.

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NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

OPEB Liabilities, OPEB Expense, Deferred Outflows of Resources, and Deferred Inflows of Resources Related to OPEB

At fiscal year-end, the Corporation reported the following liabilities for its proportionate share of the net OPEB liabilities. The net pension liabilities were measured as of June 30, 2018 for the Corporation fiscal years ended June 30, 2019. The total OPEB liability used to calculate the net OPEB liabilities were determined by an actuarial valuation as of June 30, 2017 and rolled forward to June 30, 2018 using the actuarial assumptions and methods described in the appropriate section of this note. The government's proportion of the net pension liabilities was based on a projection of the government's long-term share of contributions to the pension plans relative to the projected contributions of all participating governments, actuarially determined. At June 30, 2019 and 2018, the Corporation reported the following proportions and increase/decreases from its proportion measured as of June 30, 2018 and 2017:

	<u>2019</u>	<u>2018</u>
Corporation's proportionate share of the net OPEB liability	\$ 111,498	\$ 118,880
State's proportional share of the net OPEB liability associated with the Corporation	<u>31,964</u>	<u>24,418</u>
Total portion of the net OPEB liability associated with the Corporation	<u>\$ 143,462</u>	<u>\$ 143,298</u>

	<u>2019</u>	<u>2018</u>
Amount of proportionate share of net OPEB liability	\$ 111,498	\$ 118,880
Percentage of proportionate share of net OPEB liability	0.005196981%	0.004834508%
Increase/(decrease) in % from prior proportion measured	0.000362473%	-0.000882569%

For the year ended June 30, 2019, the Corporation recognized the following OPEB expense and support provided by the State:

	<u>2019</u>
OPEB expense Corporation	\$ 4,012
OPEB expense State support	<u>9,770</u>
Total OPEB expense	<u>\$ 13,782</u>
State support revenue	\$ 9,770

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NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

The Corporation reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources for the year ended June 30, 2019:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual investment earnings	\$ -	\$ 2,064
Differences between expected and actual experience	-	1,649
Changes in assumptions	-	11,133
Changes in proportion and differences between contributions and proportionate share of contributions	7,127	12,618
Contributions subsequent to the measurement date	10,980	-
 Total	 \$ 18,107	 \$ 27,464

The amount reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the subsequent year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

	Year Ended June 30: 2019		Year Ended June 30: 2018
2020	\$ (6,877)	2019	\$ (5,230)
2021	(6,877)	2020	(5,230)
2022	(5,515)	2021	(5,230)
2023	(1,068)	2022	(3,873)
Total	\$ (20,337)		\$ (19,563)

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NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

Actuarial assumptions

The total OPEB liability was determined by an actuarial valuation as of June 30, 2016 and rolled forward to June 30, 2017 for all plans, using the following actuarial assumptions, applied to all periods included in the measurement.

<u>OPEB</u>	<u>June 30, 2018</u>	<u>30-Jun-17</u>
Actuarial Cost Method	Entry age normal cost method	Entry age normal cost method
Asset Valuation Method	Fair value	Fair value
Amortization Method	Level percentage of payroll over a 21 year closed period	Level percentage of payroll over a 21 year closed period
Amortization Period	21 years closed as of June 30, 2016	21 years closed as of June 30, 2016
Actuarial Assumptions:		
Investment Rate of Return	7.15%, net of OPEB plan investment expense, including inflation	7.15%, net of OPEB plan investment expense, including inflation
Projected Salary Increases	Dependent upon pension system. Ranging from 3.0% to 6.5% including inflation	Dependent upon pension system. Ranging from 3.0% to 6.5% including inflation
Inflation Rate	2.75%	2.75%
Discount Rate	7.15%	7.15%
Healthcare Cost Trends	Actual trend used for 2017. For fiscal years on and after 2018, trend starts at 8.5% and 9.75% for pre and post-Medicare, respectively, and gradually decreases to an ultimate trend rate of 4.5%. Excess trend rate of 0.14% and 0.29% for pre and post-Medicare, respectively, is added to healthcare trend rates pertaining to per capita claims costs beginning in 2020 to account for the Excise Tax.	Actual trend used for 2017. For fiscal years on and after 2018, trend starts at 8.5% and 9.75% for pre and post-Medicare, respectively, and gradually decreases to an ultimate trend rate of 4.5%. Excess trend rate of 0.14% and 0.29% for pre and post-Medicare, respectively, is added to healthcare trend rates pertaining to per capita claims costs beginning in 2020 to account for the Excise Tax.
Mortality Rates	Post-Retirement: RP-2000 Health Annuitant Mortality Table projected with Scale AA on a fully generational basis	Post-Retirement: RP-2000 Health Annuitant Mortality Table projected with Scale AA on a fully generational basis
Date Range in Most Recent Experience Study	July 1, 2010 to June 30, 2015	July 1, 2010 to June 30, 2015

The long term expected rate of return of 7.15% on the OPEB plan investments was determined by a combination of an expected long-term rate of return of 7.50% for long-term assets invested with the WV Investment Management Board and an expected short-term rate of return of 3.00% for assets invested with the West Virginia Board of Treasury Investments.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

Long-term pre-funding assets are invested the WVIMB. The strategic asset allocation consists of 55% equity, 15% fixed income, 10% private equity, 10% hedge fund and 10% real estate invested. Short-term assets used to pay current year benefits and expenses are invested with the WVBTI.

The long-term expected rate of return on OPEB plan investments were determined using a building-block method in which estimates of expected future real rates of returns (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The best estimates of geometric rates of return for each asset class are summarized in the following table:

<u>Asset Class</u>	<u>Long-term Expected Rate of Return</u>
Large Cap Domestic	17.0%
Non-Large Cap Domestic	22.0%
International Qualified	24.6%
International Non-Qualified	24.3%
International Equity	26.2%
Short-Term Fixed	0.5%
Total Return Fixed Income	6.7%
Core Fixed Income	0.1%
Hedge Fund	5.7%
Private Equity	19.6%
Real Estate	8.3%
Opportunistic Income	4.8%
Cash	0.0%

Discount Rate

The discount rate used to measure the OPEB liability was 7.15 percent. The projection of cash flows used to determine the discount rates assumed that employer contributions will continue to follow the current funding policies. Based on those assumptions, the fiduciary net position for each defined benefit pension plan was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rates of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018**

NOTE 12 OTHER POST-EMPLOYMENT BENEFIT PLAN (Continued)

West Virginia Retiree Health Benefit Trust Fund (RHBT) (Continued)

The following chart presents the sensitivity of the net pension liability to changes in the discount rate, calculated using the discount rates as used in the actuarial evaluation, and what the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage point higher than the current rate:

2019	<u>(6.15%)</u>	<u>Rate (7.15%)</u>	<u>(8.15%)</u>
Proportionate share of net OPEB liability	\$ 131,044	\$ 111,498	\$ 95,204
2018	<u>(6.15%)</u>	<u>Rate (7.15%)</u>	<u>(8.15%)</u>
Proportionate share of net OPEB liability	\$ 138,422	\$ 118,880	\$ 102,365

Healthcare Cost Trend Rate

The following table presents the Corporation's proportionate share of its net OPEB liability calculated using the healthcare cost trend rate of percent and the impact of using a discount rate that is 1% higher or lower than the current rate.

2019	<u>1% Decrease</u>	<u>Trend Rates</u>	<u>1% Increase</u>
Proportionate share of net OPEB liability	\$ 92,259	\$ 111,498	\$ 134,940
2018	<u>1% Decrease</u>	<u>Trend Rates</u>	<u>1% Increase</u>
Proportionate share of net OPEB liability	\$ 99,861	\$ 118,880	\$ 142,141

Subsequent to the June 30, 2018, measurement date, on August 21, 2018 RHBT executed a contract renewal with Humana's Medicare Advantage Plan (Humana MAPD) for Plan years 2019 and 2020. This renewal included reduced per member per month capitation costs which decreased from \$224 to \$175 per member per month, due to favorable experience and the removal of the health insurance fee.

The estimated impact of these reduced rates is not recognized in the estimated net OPEB liability measured at June 30, 2018, since the contract was executed subsequent to the measurement date. Per GASB Statement 75, if a change occurs in a factor relevant to measurement of the net OPEB liability between the measurement date of the net OPEB liability and the employer's current fiscal year-end, the employer should report the effect on the net OPEB liability of that change as of the next measurement date. The estimated impact of the reduced capitation rates on the net OPEB liability is a decrease of approximately 9.0%, or \$280 million, which will be considered in the next actuarial valuation estimating the net OPEB liability measured as of June 30, 2019. The future actuarial measurement may differ significantly from this estimate due to various other factors such as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions due to changing conditions; increases or decreases expected as part of the natural operation of the methodology used for these measurements; and changes in plan provisions or applicable law.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SCHEDULE OF CORPORATION'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
JUNE 30, 2019**

Public Employees Retirement System

	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>
Corporation's proportion of the net pension liability (asset) (percentage)	0.018050%	0.018020%	0.017937%	0.019722%	0.019685%	0.020443%
Corporation's proportionate share of the net pension liability (asset)	\$ 46,616	\$ 77,784	\$ 164,865	\$ 110,128	\$ 72,650	\$ 186,364
Corporation's covered payroll	\$ 249,397	\$ 247,397	\$ 248,578	\$ 267,450	\$ 273,093	\$ 273,614
Corporation's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	18.69%	31.44%	66.32%	41.18%	26.60%	68.11%
Plan fiduciary net position as a percentage of the total pension liability	96.34%	93.67%	86.11%	94.23%	91.29%	79.70%

Information prior to 2013 is not available.

This schedule will be built prospectively.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SCHEDULE OF CORPORATION'S PENSION CONTRIBUTIONS
JUNE 30, 2019**

Public Employees Retirement System

	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Contractually required contribution	\$ 24,940	\$ 27,434	\$ 29,688	\$ 33,368	\$ 37,443	\$ 38,233	\$ 38,306	\$ 39,674	\$ 33,001	\$ 26,971
Contributions in relation to contractually required contribution	<u>(24,940)</u>	<u>(27,434)</u>	<u>(29,688)</u>	<u>(33,368)</u>	<u>(37,443)</u>	<u>(38,233)</u>	<u>(38,306)</u>	<u>(39,674)</u>	<u>(33,001)</u>	<u>(26,971)</u>
Contribution deficit (surplus)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Corporation's covered payroll	\$ 249,397	\$ 249,397	\$ 247,397	\$ 248,578	\$ 267,450	\$ 273,093	\$ 273,614	\$ 273,614	\$ 264,008	\$ 245,191
Contributions as a percentage of covered payroll	10.00%	11.00%	12.00%	13.50%	14.00%	14.50%	14.00%	14.50%	12.50%	11.00%

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SCHEDULE OF CORPORATION'S PROPORTIONATE SHARE OF THE NET OPEB LIABILITY
JUNE 30, 2019**

Retiree Health Benefit Trust

	<u>2018</u>	<u>2017</u>	<u>2016</u>
Corporation's proportionate share of the net OPEB liability (asset) (percentage)	0.005196981%	0.004834508%	0.005717077%
Corporation's proportionate share of the net OPEB liability (asset)	\$ 111,498	\$ 118,880	\$ 141,974
State's proportionate share of the net OPEB liability (asset) associated with the Corporation	<u>31,964</u>	<u>24,418</u>	<u>-</u>
Total	<u>\$ 143,462</u>	<u>\$ 143,298</u>	<u>\$ 141,974</u>
Corporation's covered-employee payroll	\$ 249,397	\$ 247,397	\$ 248,578
Corporation's proportionate share of the net OPEB liability (asset) as a percentage of its covered-employee payroll	44.71%	48.05%	57.11%
Plan fiduciary net position as a percentage of the total OPEB liability	30.98%	25.10%	21.64%

Information prior to 2016 is not available.

This schedule will be built prospectively.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SCHEDULE OF CORPORATION'S OPEB CONTRIBUTIONS
JUNE 30, 2019**

Retiree Health Benefit Trust

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Contractually required contribution	\$ 10,980	\$ 10,620	\$ 9,930
Contributions in relation to contractually required contribution	<u>(10,980)</u>	<u>(10,620)</u>	<u>(9,930)</u>
Contribution deficit (surplus)	<u>0</u>	<u>0</u>	<u>0</u>
Corporation's covered-employee payroll	\$ 249,397	\$ 249,397	\$ 247,397
Contributions as a percentage of covered-employee payroll	4.40%	4.26%	4.01%

Information prior to 2016 is not available.

The schedule will be built prospectively

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
JUNE 30, 2019**

Note 1 - Changes in Assumptions PERS

Changes in the assumptions between the 2015 and 2014 valuations:

Projected salary increases went from 4.25-6% in 2014 to 3-6% in 2015; the inflation rate went from 2.2% in 2014 to 1.9% in 2015; mortality rates changed due to from the Gam model to RP-2000 model; withdrawal rates went from 1-31.2% in 2014 to 1.75-35.8% in 2015; disability rates went from 0-.8% in 2014 to 0-.675% in 2015;. The range of the experience study was 2004-2009 in 2014 and 2009-2014 in 2015. These changes in assumptions lead to deferred inflows of \$89,556,000 in 2015.

There have been no changes in assumptions since 2015.

Note 2 – Changes in Assumptions OPEB

Changes in the assumptions between the 2016 and 2015 valuations:

Certain economic and behavioral assumptions are unique to healthcare benefits. These assumptions include the healthcare trend, per capita claims costs, the likelihood that a member selects healthcare coverage and the likelihood that a retiree selects one-person, two person or family coverage. These assumptions were updated based on a recent experience study performed by the RHBT actuaries using five-year experience data through June 30, 2015. The updated per capita claims costs were also based on recent claims, enrollment and premium information as of the valuation date.

For the June 30, 2016 valuation, the retiree healthcare participation assumption for each retirement plan is slightly higher than the previous assumption used in the June 30, 2015 OPEB valuation. More members who were covered as actives will be assumed to participate as retirees.

The 2016 and 2015 valuations include consideration of the \$30 million annual appropriations under Senate Bill 419, through July 1, 2037, or if earlier, the year the benefit obligation is fully funded. Additionally, the presentation of covered payroll was changed for the June 30, 2015, actuarial valuation. Participating employees hired before July 1, 2010, pay retiree premiums that are subsidized based on years of service at retirement. Participating employees hired on or after July 1, 2010, are required to fully fund premium contributions upon retirement. Consequently, beginning June 30, 2015, actuarial valuation covered payroll represents only the payroll for those OPEB eligible participating employees that were hired before July 1, 2010, allowing a better representation of the UAAL as a percentage of covered payroll, whereas, for the prior years, covered payroll is in total for all participating employees.

**PUBLIC DEFENDER CORPORATION
FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SCHEDULE OF BUDGET TO ACTUAL EXPENSES - CASH BASIS
FOR THE YEAR ENDED JUNE 30, 2019**

	<u>Budget</u>	<u>Actual</u>	<u>Under/(Over) Budget to Actual</u>
Personal services	\$ 261,586	\$ 256,992	\$ 4,594
Employee benefits	80,831	84,748	(3,917)
Support services	9,680	7,825	1,855
Administrative support	5,800	4,950	850
Office	33,190	32,832	358
Other	175	158	17
Acquisition	4,250	3,892	358
Total operating expenses	<u>\$ 395,512</u>	<u>\$ 391,397</u>	<u>\$ 4,115</u>



313 Second St.
Marietta, OH 45750
740.373.0056

1907 Grand Central Ave.
Vienna, WV 26105
304.422.2203

150 West Main St.
St. Clairsville, OH 43950
740.695.1569

1310 Market St., Suite 300
Wheeling, WV 26003
304.232.1358

749 Wheeling Ave., Suite 300
Cambridge, OH 43725
740.435.3417

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
REQUIRED BY GOVERNMENT AUDITING STANDARDS**

September 6, 2019

Public Defender Corporation for the Eighteenth Judicial Circuit
202 Tunnelton Street Suite 303
Kingwood, WV 26537

To the Board of Directors:

We have audited, in accordance with auditing standards generally accepted in the United States and the Comptroller General of the United States' *Government Auditing Standards*, the financial statements of the **Public Defender Corporation for the Eighteenth Judicial Circuit**, a component unit of the State of West Virginia (the Corporation) as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements and have issued our report thereon dated September 6, 2019.

Internal Control Over Financial Reporting

As part of our financial statement audit, we considered the Corporation's internal control over financial reporting (internal control) to determine the audit procedures appropriate in the circumstances to the extent necessary to support our opinion on the financial statements, but not to the extent necessary to opine on the effectiveness of the Corporation's internal control. Accordingly, we have not opined on it.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, when performing their assigned functions, to prevent, or detect and timely correct misstatements. A *material weakness* is a deficiency, or combination of internal control deficiencies resulting in a reasonable possibility that internal control will not prevent or detect and timely correct a material misstatement of the Corporation's financial statements. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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

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Compliance and Other Matters

As part of reasonably assuring whether the Corporation's financial statements are free of material misstatement, we tested its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could directly and materially affect the determination of financial statement amounts. However, opining on compliance with those provisions was not an objective of our audit and accordingly, we do not express an opinion. The results of our tests disclosed no instances of noncompliance or other matters we must report under *Government Auditing Standards*.

Purpose of this Report

This report only describes the scope of our internal control and compliance testing and our testing results, and does not opine on the effectiveness of the Corporation's internal control or on compliance. This report is an integral part of an audit performed under *Government Auditing Standards* in considering the Corporation's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Perry & Associates CPAs A.C.".

Perry and Associates
Certified Public Accountants, A.C.
Marietta, Ohio