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Wheeling, WV 26003  
304.232.1358



**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
A COMPONENT UNIT OF THE STATE OF WEST VIRGINIA  
Regular Audit  
For the Fiscal Year Ended June 30, 2016**

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**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
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## INDEPENDENT AUDITOR'S REPORT

January 27, 2017

Public Defender Corporation for the Fifth Judicial Circuit  
PO Box 797  
214 Main Street  
Ripley, WV 25271

To the Board of Directors:

### ***Report on the Financial Statements***

We have audited the accompanying financial statements of the **Public Defender Corporation for the Fifth Judicial Circuit**, West Virginia, a component unit of the State of West Virginia (the Corporation), as of and for the year ended June 30, 2016, 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.

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

***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 Fifth Judicial Circuit, West Virginia, as of June 30, 2016, and the changes in financial position and cash flows thereof for the year then ended in accordance with the accounting principles generally accepted in the United States of America.

***Other Matters***

*Prior Period Financial Statements Audited by a Predecessor Auditor*

The financial statements of the Public Defender Corporation for the Fifth Judicial Circuit, West Virginia (the Corporation), as of and for the year ended June 30, 2015, were audited by a predecessor auditor whose report dated January 7, 2016 expressed an unmodified opinion on those statements.

*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 liabilities and pension 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 January 27, 2017, 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 FIFTH JUDICIAL CIRCUIT  
MANAGEMENT'S DISCUSSION & ANALYSIS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015  
UNAUDITED**

This discussion and analysis of the Public Defender Corporation for the Fifth 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, 2016 and 2015, 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 when 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.

**Financial Analysis of the Corporation**

	<u>2016</u>	<u>2015</u>	<u>2014</u>
Assets			
Capital Assets	\$ 8,442	\$ 13,377	\$ 19,470
Other Assets	228,179	136,466	94,355
Total Assets	<u>\$ 236,621</u>	<u>\$ 149,843</u>	<u>\$ 113,825</u>
Deferred Outflow of Resources	130,286	84,029	66,707
Liabilities			
Long-term Liabilities	\$ 388,737	\$ 302,441	\$ 493,577
Short-term Liabilities	60,768	56,755	53,297
Total Liabilities	<u>449,505</u>	<u>359,196</u>	<u>546,874</u>
Deferred Inflow of Resources	73,635	149,842	-
Net Position			
Net Investment in Capital Assets	8,442	13,377	19,470
Unrestricted (Deficit)	<u>(164,675)</u>	<u>(288,543)</u>	<u>(385,812)</u>
Total Net Position	<u>\$ (156,233)</u>	<u>\$ (275,166)</u>	<u>\$ (366,342)</u>

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
MANAGEMENT'S DISCUSSION & ANALYSIS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015  
UNAUDITED**

The Corporation's revenues are derived from funding from West Virginia Public Defender Services (WVPDS) and accordingly 99% of the Corporation's revenues were derived from this funding for the years ended June 30, 2016, 2015 and 2014.

	<u>2016</u>	<u>2015</u>	<u>2014</u>
Operating Revenue	\$ 910,151	\$ 838,033	\$ 782,648
Operating Expenses	<u>791,218</u>	<u>746,857</u>	<u>1,086,670</u>
Operating Income (Loss)	<u>118,933</u>	<u>91,176</u>	<u>(304,022)</u>
Change in Net Position	118,933	91,176	(304,022)
Net Position at Beginning of Year	<u>(275,166)</u>	<u>(366,342)</u>	<u>(62,320)</u>
Net Position at End of Year	<u>\$ (156,233)</u>	<u>\$ (275,166)</u>	<u>\$ (366,342)</u>

**Detailed Financial Analysis of the Corporation**

Grant income increased \$72,360 and cash held by the Corporation increased by approximately \$91,050 as a result of operating revenues exceeding operating expenses for the fiscal year ended June 30, 2016 and other post-employment benefit liability (OPEB), included in long-term liabilities, increased by approximately \$14,896 primarily due to the Corporation accruing invoiced amounts from West Virginia Public Employees Insurance Agency.

Operating expenses for the fiscal year increased by approximately \$44,000. This increase is mostly attributable to an increase in personal services (\$20,503) and an increase in employee benefits (\$26,000). The increase in personal services is attributable to staff wage increase and filling open positions while the increase in employee benefits is attributable to adjustments related to net pension liability.

**Capital Asset and Debt Activity**

As of June 30, 2016, 2015, and 2014, the Corporation had capital assets costing approximately \$57,591, \$57,591, and \$101,151, respectively. The Corporation's capital assets include furniture and fixtures, and office and computer equipment. The assets are being depreciated over useful lives of three to seven years. The accumulated depreciation on the assets amounted to approximately \$49,149, \$44,214, and \$81,681, respectively. There were no asset disposals during the current year. There were no purchases of capital assets for the years ended June 30, 2016, 2015, and 2014. More detailed information is presented in Note 6 to the financial statements. The Corporation had no debt for the years ended June 30, 2016 or 2015.

**Cash Management**

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

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
MANAGEMENT'S DISCUSSION & ANALYSIS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015  
UNAUDITED**

**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, 2017. 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, 2017, the Corporation has an approved budget of \$884,847. This represents a budget decrease of approximately 2.8 percent or \$25,304 from the prior year. Individual budget categories have comparable decreases to budgeted categories of the prior budget year.

**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 P.O. Box 797, 214 Main Street, Ripley, WV, 25271.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
STATEMENTS OF NET POSITION  
AS OF JUNE 30, 2016 AND 2015**

	<b>2016</b>	<b>2015</b>
<b>ASSETS</b>		
Current assets		
Cash and cash equivalents	\$ 152,205	\$ 61,153
Grant receivable	75,845	75,246
Prepaid expenses	129	67
Total current assets	228,179	136,466
Capital assets		
Computer and equipment	48,593	48,593
Furniture and fixtures	8,998	8,998
	57,591	57,591
Less accumulated depreciation	(49,149)	(44,214)
Capital assets, net	8,442	13,377
 Total assets	 236,621	 149,843
 <b>DEFERRED OUTFLOWS OF RESOURCES</b>		
Pension	130,286	84,029
 Total Assets and Deferred Outflows of Resources	 \$ 366,907	 \$ 233,872
 <b>LIABILITIES</b>		
Current liabilities		
Accrued expenses	\$ 19,697	\$ 17,706
Compensated absences	41,071	39,049
Total current liabilities	60,768	56,755
Long term liabilities		
Other post employment benefit liability	175,689	160,793
Net pension liability	213,048	141,648
Total long term liabilities	388,737	302,441
 Total liabilities	 449,505	 359,196
 <b>DEFERRED INFLOWS OF RESOURCES</b>		
Pension	73,635	149,842
 <b>NET POSITION</b>		
Net investment in capital assets	8,442	13,377
Unrestricted (deficit)	(164,675)	(288,543)
Total net position	(156,233)	(275,166)
 Total Liabilities, Deferred Inflows of Resources and Net Position	 \$ 366,907	 \$ 233,872

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

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET POSITION  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

	<u>2016</u>	<u>2015</u>
<b>OPERATING REVENUES</b>		
WV Public Defender Services Grant Revenue	\$ 910,151	\$ 837,791
Other revenues	-	242
Total operating revenues	<u>910,151</u>	<u>838,033</u>
<b>OPERATING EXPENSES</b>		
Personal services	549,243	528,740
Employee benefits	137,056	111,265
Support services	13,934	13,960
Administrative support	14,746	12,764
Office	69,064	71,182
Other	993	3,303
Acquisition	1,248	216
Depreciation	4,934	5,427
Total operating expenses	<u>791,218</u>	<u>746,857</u>
Operating income (loss)	<u>118,933</u>	<u>91,176</u>
Change in net position	118,933	91,176
Net position, beginning of year	<u>(275,166)</u>	<u>(366,342)</u>
Net position, end of year	<u>\$ (156,233)</u>	<u>\$ (275,166)</u>

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

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

	<b>2016</b>	<b>2015</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Cash received from grants	\$ 909,552	\$ 762,545
Other cash received	-	242
Cash paid for expenses	(818,500)	(796,030)
Net cash provided (used in) by operating activities	91,052	(33,243)
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>		
Cash received on asset disposal	-	1,266
Cash purchases of property and equipment	-	(600)
Net cash provided by (used in) capital and related financing activities	-	666
Net increase (decrease) in cash and cash equivalents	91,052	(32,577)
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	61,153	93,730
CASH AND CASH EQUIVALENTS, END OF YEAR	\$ 152,205	\$ 61,153
<b>RECONCILIATION OF OPERATING (LOSS) INCOME TO NET CASH (USED IN) PROVIDED BY OPERATING ACTIVITIES</b>		
Operating income (loss)	\$ 118,933	\$ 91,176
Adjustments to reconcile operating (loss) income to net cash provided by operating activities:		
Depreciation	4,934	5,427
(Increase) decrease in operating assets		
Prepaid expenses	(62)	558
Deferred outflows	(46,257)	(17,322)
Grant receivable	(599)	(75,246)
Increase (decrease) in operating liabilities		
Accrued expenses	1,992	859
Compensated absences	2,022	2,599
Pension liability	71,400	(208,236)
Deferred outflows	(76,207)	149,842
Other postemployment benefit liability	14,896	17,100
Total adjustments	(27,881)	(124,419)
Net cash provided by (used in) operating activities	\$ 91,052	\$ (33,243)

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

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Description of the Reporting Entity**

The Public Defender Corporation for the Fifth 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 FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**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 \$1,500.

Estimated useful lives of the assets are as follows:

Structures and Improvements	3-40 years
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, 2016.

**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 FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**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.

**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 2016.

**NOTE 2 CASH HELD AT FISCAL YEAR END**

At June 30, 2016 and 2015, the Corporation held cash and cash equivalents of \$152,205 and \$61,153, 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.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 3 COMPENSATED ABSENCES AND OTHER POSTEMPLOYMENT BENEFITS (OPEB)**

**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. Employees with 5 years, but less than 10 years of full-time employment during any continuous 10-year period, earn 18 days per year. Employees with 10 years, but less than 15 years of full-time employment during any continuous 15-year period, earn 21 days per year. Employees with 15 years or more of full-time employment earn 24 days per year.

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 Corporation does not accrue any liability for sick leave because no amount is paid at the time of separation of employment. Upon retirement an employee may elect to use any accrued sick leave balances to increase their years of service at retirement but do not have the option for the Corporation to pay them a cash payout.

**Retirement Health Plan**

The Corporation contributes to the West Virginia Retiree Health Benefits Trust (RHBT), a cost-sharing, multiple employer defined benefit post employment healthcare plan administered by the West Virginia Public Employees Insurance Agency (PEIA). RHBT provides medical benefit to eligible retired employees of participating employers. RHBT issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to: West Virginia Retiree health Benefits Trust, Building 5, Room 1001, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0710.

Chapter 5, Article 16D of the West Virginia Code assigns the authority to establish and amend benefits and provisions to the RHBT. Plan members are currently required to contribute \$164 per month per active health policy. Participating employers are contractually required to contribute at a rate assessed each year by RHBT. The RHBT board sets the employer contribution rate based on the annual required contributions (ARC) of the plan, an amount actuarially determined in accordance with the parameters of Governmental Accounting Standards Board (GASB) Statement No. 45.

The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal costs each year and amortize any unfunded actuarial liabilities (or funding excess) of the plan over a period not to exceed thirty years. The Board's contribution to RHBT for the year ended June 30, 2016 was \$18,909. The Board's contribution to RHBT for the year ended June 30, 2015 was \$16,892.



**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)**

**Public Employee Retirement System (PERS) (Continued)**

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, 2016 is as follows:

<u>Percentage of Payroll</u>	<u>Total Wages</u>	<u>Covered Wages</u>	<u>Amount Contributed</u>
Employer Share - 13.50%	\$ 549,243	\$ 542,534	\$ 73,242
Tier 1 Employee Share - 4.50%	\$ 490,761	\$ 484,052	\$ 21,782
Tier 2 Employee Share - 6%	\$ 58,482	\$ 58,482	\$ 3,509

The Corporation's contributions to the West Virginia Public Employees Retirement System for the year ended June 30, 2015 is as follows:

<u>Percentage of Payroll</u>	<u>Total Wages</u>	<u>Covered Wages</u>	<u>Amount Contributed</u>
Employer Share - 14.00%	\$ 528,740	\$ 533,836	\$ 74,737
Tier 1 Employee Share - 4.50%	\$ 528,740	\$ 533,836	\$ 24,023
Tier 2 Employee Share - 6%	\$ -	\$ -	\$ -

***Trend Information***

<u>Fiscal Year</u>	<u>Annual Pension Cost</u>	<u>Percent Contributed</u>
2016	\$ 73,242	100.00%
2015	\$ 74,737	100.00%
2014	\$ 75,175	100.00%

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.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**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, 2015 and 2014 for the Corporation fiscal years ended June 30, 2016 and 2015, respectively. The total pension liability used to calculate the net pension liabilities were determined by an actuarial valuation as of June 30, 2014 and rolled forward to June 30, 2015 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, 2016 and 2015, the Corporation reported the following proportions and increase/decreases from its proportion measured as of June 30, 2015 and 2014:

	<u>2016</u> PERS	<u>2015</u> PERS
Amount for proportionate share of net pension liability	\$ 213,048	\$ 141,648
Percentage for proportionate share of net pension liability	0.038153%	0.038380%
Increase/(decrease) % from prior proportion measured	-0.000227%	0.002780%

For the years ended June 30, 2016 and 2015, the Corporation recognized the following pension expense:

	<u>2016</u> PERS	<u>2015</u> PERS
Pension Expense	<u>\$ 30,025</u>	<u>\$ 22,069</u>

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**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, 2016:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 46,717
Changes in proportion and differences between contributions and proportionate share of contributions	13,471	1,292
Differences between expected and actual experience	43,573	-
Changes of assumptions	-	25,626
Contributions subsequent to measurement date	73,242	-
Totals	\$ 130,286	\$ 73,635

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, 2015:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 149,842
Contributions subsequent to measurement date	84,029	-
Totals	\$ 84,029	\$ 149,842

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. 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:	
2017	\$ (9,726)
2018	(9,726)
2019	(13,390)
2020	16,251
Total	\$ (16,591)

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**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, 2014 and rolled forward to June 30, 2015 for all plans, using the following actuarial assumptions, applied to all periods included in the measurement.

Public Employees Retirement System (PERS)

Actuarial assumptions:

Inflation Rate	1.90%
Salary Increases	4.25% - 6.00%
Investment Rate of Return	7.50%

Mortality rates for non-disabled participants were based on the 1983 Group Annuity Mortality Table for males and the 1971 Group Annuity Mortality Table for Females, as appropriate. Mortality rates for disabled participants were based on the 1983 Group Annuity Mortality Table for Males and Revenue ruling 96-7 for Females.

The actuarial assumptions used in the July 1, 2014 PERS valuation were based on the results of an actuarial experience study for the period July 1, 2004 to June 30, 2009.

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 arithmetic real rates of return for each asset class are summarized in the following tables:

**2015**

<u>Asset Class</u>	Long-term Expected Rate of Return	PERS Target Asset Allocation
US Equity	7.0%	27.5%
International Equity	7.7%	27.5%
Core Fixed Income	2.7%	7.5%
High Yield Fixed Income	5.5%	7.5%
Real Estate	5.6%	10.0%
Private Equity	9.4%	10.0%
Hedge Funds	4.7%	10.0%
Cash	1.5%	0.0%
		<u>100.0%</u>

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 4 EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)**

**Public Employee Retirement System (PERS) (Continued)**

<b>2014</b>	Long-term Expected Real Rate of Return	PERS Target Asset Allocation
<u>Investment</u>	<u></u>	<u></u>
Us Equity (Russell 3000)	7.6%	27.5%
International Equity (ACWI ex US)	8.5%	27.5%
Fixed Income	2.9%	15.0%
High Yield	4.8%	0.0%
TPS	2.9%	0.0%
Real Estate	6.8%	10.0%
Private Equity	9.9%	10.0%
Hedge Funds	5.0%	10.0%
Inflation (CPI)	2.2%	0.0%
		<u>100.0%</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.

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:

	<u>1% Decrease 6.50%</u>	<u>Current Discount Rate 7.50%</u>	<u>1% Increase 8.50%</u>
Proportionate share of PERS's net pension liability	\$ 491,344	\$ 213,048	\$ (22,071)

	<u>1% Decrease 6.50%</u>	<u>Current Discount Rate 7.50%</u>	<u>1% Increase 8.50%</u>
Proportionate share of PERS's net pension liability	\$ 400,247	\$ 141,648	\$ (78,703)

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 4      EMPLOYEE RETIREMENT SYSTEMS AND PLANS (CONTINUED)**

**Public Employee Retirement System (PERS) (Continued)**

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](http://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 has obtained general, property, casualty and liability coverage for itself and its employees through third party insurance companies. Any loss in excess of the \$500,000 policy limit will be the responsibility of the Corporation.

**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 a single private insurance company, BrickStreet Insurance, which provides workers' compensation coverage to all employers in the state. Other 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 cost of all coverage, as determined by BrickStreet, 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.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 5 RISK MANAGEMENT (CONTINUED)**

**Other Commercial Coverage (Continued)**

During the year ended June 30, 2016 the Corporation did not reduce insurance coverage's from coverage levels in place as of June 30, 2015. No settlements have exceeded coverage levels in place during the past three years.

**NOTE 6 CAPITAL ASSETS**

The following is a summary of the changes in capital assets for the year ended June 30, 2016:

	Beginning Balance	Increases	Decreases	Ending Balance
Capital Assets Being Depreciated:				
Computer Equipment	\$ 48,593	\$ -	\$ -	\$ 48,593
Furniture and Fixtures	8,998	-	-	8,998
Less: Accumulated Depreciation:				
Computer Equipment	(35,807)	(4,874)	-	(40,681)
Furniture and Fixtures	(8,408)	(60)	-	(8,468)
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>13,376</u>	<u>(4,934)</u>	<u>-</u>	<u>8,442</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ 13,376</u>	<u>\$ (4,934)</u>	<u>\$ -</u>	<u>\$ 8,442</u>

The following is a summary of the changes in capital assets for the year ended June 30, 2015:

	Beginning Balance	Increases	Decreases	Ending Balance
Capital Assets Being Depreciated:				
Computer Equipment	\$ 60,974	\$ -	\$ (12,381)	\$ 48,593
Furniture and Fixtures	40,177	600	(31,779)	8,998
Less: Accumulated Depreciation:				
Computer Equipment	(41,504)	(5,417)	11,114	(35,807)
Furniture and Fixtures	(40,177)	(10)	31,779	(8,408)
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>19,470</u>	<u>(4,827)</u>	<u>(1,267)</u>	<u>13,376</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ 19,470</u>	<u>\$ (4,827)</u>	<u>\$ (1,267)</u>	<u>\$ 13,376</u>

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 7 LONG-TERM OBLIGATIONS**

Changes in long-term obligations of the Corporation during the year ended June 30, 2016 were as follows:

	Balance at June 30, 2015	Additions	Retirements	Balance at June 30, 2016	Due Within One Year
Compensated Absences	\$ 39,049	\$ 2,022	\$ -	\$ 41,071	\$ 41,071
OPEB	160,793	14,896	-	175,689	-
Net Pension Liability	141,648	71,400	-	213,048	-
<b>Total</b>	<b>\$ 341,490</b>	<b>\$ 88,318</b>	<b>\$ -</b>	<b>\$ 429,808</b>	<b>\$ 41,071</b>

Changes in long-term obligations of the Corporation during the year ended June 30, 2015 were as follows:

	Balance at June 30, 2014	Additions	Retirements	Balance at June 30, 2015	Due Within One Year
Compensated Absences	\$ 36,450	\$ 2,599	\$ -	\$ 39,049	\$ 39,049
OPEB	143,693	17,100	-	160,793	-
Net Pension Liability	349,884	-	(208,236)	141,648	-
<b>Total</b>	<b>\$ 530,027</b>	<b>\$ 19,699</b>	<b>\$ (208,236)</b>	<b>\$ 341,490</b>	<b>\$ 39,049</b>

**NOTE 8 OPERATING LEASES**

The Corporation leases facilities under operating lease agreements. Aggregate payments under these agreements were \$37,664 and \$37,206 for the years ended June 30, 2016 and 2015.

**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.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
NOTES TO THE BASIC FINANCIAL STATEMENTS  
FOR THE YEARS ENDED JUNE 30, 2016 AND 2015**

**NOTE 10    SUBSEQUENT EVENTS**

Management has evaluated events subsequent to the date of the statement of financial position through January 27, 2017, the date the financial statements were available to be issued. No events have occurred subsequent to the statement of financial position date through January 27, 2017 that would require adjustment or disclosure in the financial statements.

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY  
June 30, 2016**

<b>Public Employees Retirement System</b>			
	2015	2014	2013
Corporation's proportion of the net pension liability (asset) (percentage)	0.038153%	0.038380%	0.035600%
Corporation's proportionate share of the net pension liability (asset)	\$ 213,048	\$ 141,648	\$ 198,792
Corporation's covered-employee payroll	\$ 533,836	\$ 518,448	\$ 476,479
Corporation's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	39.91%	27.32%	41.72%
Plan fiduciary net position as a percentage of the total pension liability	94.23%	91.29%	79.70%

**Information prior to 2013 is not available.**

**This information is presented as of the measurement date.**

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
SCHEDULE OF CONTRIBUTIONS  
FOR THE YEAR ENDED JUNE 30, 2016**

**Public Employees Retirement System**

	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Contractually required contribution	\$ 73,242	\$ 74,737	\$ 75,175	\$ 66,707
Contributions in relation to contractually required contribution	<u>(73,242)</u>	<u>(74,737)</u>	<u>(75,175)</u>	<u>(66,707)</u>
Contribution deficit (surplus)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Corporation's covered-employee payroll	\$ 542,533	\$ 533,836	\$ 518,448	\$ 476,479
Contributions as a percentage of covered-employee payroll	13.50%	14.00%	14.50%	14.00%

**This chart will be built prospectively.**

**PUBLIC DEFENDER CORPORATION  
FOR THE FIFTH JUDICIAL CIRCUIT  
SCHEDULE OF BUDGET TO ACTUAL EXPENSES - CASH BASIS  
FOR THE YEAR ENDED JUNE 30, 2016**

	<u>Budget</u>	<u>Actual</u>	<u>Under/(Over) Budget to Actual</u>
Personal services	\$ 603,453	\$ 549,243	\$ 54,210
Employee benefits	198,718	194,195	4,523
Support services	19,410	13,934	5,476
Administrative support	16,620	14,746	1,874
Office	69,200	69,064	136
Other	1,000	992	8
Acquisition	1,750	1,248	502
Total operating expenses	<u>\$ 910,151</u>	<u>\$ 843,422</u>	<u>\$ 66,729</u>



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

January 27, 2017

Public Defender Corporation for the Fifth Judicial Circuit  
PO Box 797  
214 Main Street  
Ripley, WV 25271

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 Fifth Judicial Circuit**, a component unit of the State of West Virginia (the Corporation) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements and have issued our report thereon dated January 27, 2017.

***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*.

We did note a certain matter not requiring inclusion in this report that we reported to management in a separate letter dated January 27, 2017.

***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.



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