



**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
A COMPONENT UNIT OF THE STATE OF WEST VIRGINIA  
Regular Audit  
For the 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](http://www.perrycpas.com)

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH 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 13, 2019

Public Defender Corporation for the Twenty-Eighth Judicial Circuit  
723 Main Street  
Summersville, WV 26651

To the Board of Directors:

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

We have audited the accompanying financial statements of the **Public Defender Corporation for the Twenty-Eighth 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 such 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 Twenty-Eighth 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.

#### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated September 13, 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.



#### **Perry and Associates**

Certified Public Accountants, A.C.  
Marietta, Ohio

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

This discussion and analysis of the Public Defender Corporation for the Twenty-Eighth 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 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>2019</u>	<u>2018</u>	<u>2017</u>
Assets			
Capital Assets	\$ 14,973	\$ 19,151	\$ 24,327
Other Assets	133,512	136,957	131,805
Total Assets	<u>148,485</u>	<u>156,108</u>	<u>156,132</u>
Deferred Outflow of Resources	35,178	37,252	82,997
Liabilities			
Long-term Liabilities	107,366	139,397	285,365
Short-term Liabilities	13,838	19,000	18,056
Total Liabilities	<u>121,204</u>	<u>158,397</u>	<u>303,421</u>
Deferred Inflow of Resources	42,589	34,680	8,177
Net Position			
Net Investment in Capital Assets	14,973	19,151	24,327
Unrestricted (Deficit)	4,897	(18,868)	(35,221)
Total Net Position	<u>\$ 19,870</u>	<u>\$ 283</u>	<u>\$ (10,894)</u>

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
MANAGEMENT'S DISCUSSION & ANALYSIS  
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018  
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, 2019, 2018 and 2017.

	<b>2019</b>	<b>2018</b>	<b>2017</b>
Operating Revenue	\$ 310,521	\$ 313,505	\$ 323,193
Operating Expenses	297,501	306,912	317,200
Operating Income (Loss)	<u>13,020</u>	<u>6,593</u>	<u>5,993</u>
Non-Operating Revenue	<u>6,567</u>	<u>4,584</u>	<u>26</u>
Change in Net Position	19,587	11,177	6,019
Net Position at Beginning of Year	283	(10,894)	(78,488)
Prior Period adjustment			61,575
Net Position at End of Year	<u>\$ 19,870</u>	<u>\$ 283</u>	<u>\$ (10,894)</u>

**Detailed Financial Analysis of the Corporation**

Grant income decreased approximately \$3,000 and cash held by the Corporation increased by approximately \$25,414 as a result of operating revenues exceeding operating cost for the fiscal year ended June 30, 2019.

Operating expenses for the fiscal year decreased by approximately \$9,400. This decrease is mostly attributable to a decrease in employee benefits and support services.

**Capital Asset and Debt Activity**

As of June 30, 2019, 2018, and 2017, the Corporation had capital assets costing approximately \$110,000, \$110,000 and \$104,000, respectively. The Corporation's capital assets include land, buildings, furniture and fixtures, and office and computer equipment. The assets were being depreciated over useful lives of three to twenty-five years. The accumulated depreciation on the assets amounted to approximately \$95,400, \$91,000 and \$81,000 respectively. There were no asset disposals during the current year. More detailed information is presented in Note 7 to the financial statements. The Corporation had no debt for the years ended June 30, 2019, 2018 or 2017.

**Cash Management**

The Corporation's funds are deposited into a checking account at a national banking institution. The account earns interest at a rate of approximately .10% to .20% for the years ended June 30, 2019, 2018, 2017. Interest earned on the account for the years ended June 30, 2019, 2018, and 2017 amounted to \$674, \$87, and \$26, respectively.

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
MANAGEMENT'S DISCUSSION & ANALYSIS  
FOR THE YEARS ENDED JUNE 30, 2019 AND 2018  
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, 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 \$316,854. This represents a budget increase of approximately 2.00%. All budgeted items are within a reasonable amount to the prior 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 Public Defender Corporation, 723 Main Street, Summersville, WV 26651.

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

	<u>2019</u>	<u>2018</u>
<b>ASSETS</b>		
Current assets		
Cash and cash equivalents	\$ 133,512	\$ 108,098
Grant receivable	-	28,859
Total current assets	<u>133,512</u>	<u>136,957</u>
Capital assets		
Land	3,000	3,000
Building and improvements	68,771	68,771
Computer and equipment	29,755	29,755
Furniture and fixtures	8,832	8,832
	<u>110,358</u>	<u>110,358</u>
Less accumulated depreciation	(95,385)	(91,207)
Capital assets, net	<u>14,973</u>	<u>19,151</u>
 Total assets	 <u>148,485</u>	 <u>156,108</u>
 <b>DEFERRED OUTFLOWS OF RESOURCES</b>		
Deferred Outflows Related to Pension	24,497	31,411
Deferred Outflows Related to OPEB	10,681	5,841
	<u>35,178</u>	<u>37,252</u>
 Total Assets and Deferred Outflows of Resources	 <u>\$ 183,663</u>	 <u>\$ 193,360</u>
 <b>LIABILITIES</b>		
Current liabilities		
Accrued expenses	\$ 180	\$ 1,445
Compensated absences	13,658	17,555
Total current liabilities	<u>13,838</u>	<u>19,000</u>
Long term liabilities		
Other post employment benefit liability	66,899	71,328
Net pension liability	40,467	68,069
Total long term liabilities	<u>107,366</u>	<u>139,397</u>
 Total liabilities	 <u>121,204</u>	 <u>158,397</u>
 <b>DEFERRED INFLOWS OF RESOURCES</b>		
Deferred Inflows Related to Pension	24,748	21,078
Deferred Inflows Related to OPEB	17,841	13,602
	<u>42,589</u>	<u>34,680</u>
 <b>NET POSITION</b>		
Net investment in capital assets	14,973	19,151
Unrestricted (deficit)	4,897	(18,868)
Total net position	<u>19,870</u>	<u>283</u>
 Total Liabilities, Deferred Inflows of Resources and Net Position	 <u>\$ 183,663</u>	 <u>\$ 193,360</u>

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



**PUBLIC DEFENDER CORPORATION**  
**FOR THE TWENTY-EIGHTH 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	\$ 310,521	\$ 313,505
Total operating revenues	<u>310,521</u>	<u>313,505</u>
OPERATING EXPENSES		
Personal services	216,329	217,957
Employee benefits	42,114	48,461
Support services	2,703	6,837
Administrative support	5,520	4,605
Office	19,258	19,246
Other	514	507
Acquisition	6,885	4,123
Depreciation	4,178	5,176
Total operating expenses	<u>297,501</u>	<u>306,912</u>
Operating income (loss)	<u>13,020</u>	<u>6,593</u>
NONOPERATING REVENUES		
OPEB Special funding revenue	5,893	4,497
Interest income	674	87
Total nonoperating revenues	<u>6,567</u>	<u>4,584</u>
Change in net position	19,587	11,177
Net position, beginning of year	<u>283</u>	<u>(10,894)</u>
Net position, end of year	<u>\$ 19,870</u>	<u>\$ 283</u>

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

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

	<u>2019</u>	<u>2018</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 310,521	\$ 284,646
Cash paid for expenses	(285,781)	(308,440)
Net cash provided by (used in) operating activities	<u>24,740</u>	<u>(23,794)</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash received as interest	<u>674</u>	<u>87</u>
Net cash provided by (used in) investing activities	<u>674</u>	<u>87</u>
Net increase (decrease) in cash and cash equivalents	25,414	(23,707)
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	<u>108,098</u>	<u>131,805</u>
CASH AND CASH EQUIVALENTS, END OF YEAR	<u><u>\$ 133,512</u></u>	<u><u>\$ 108,098</u></u>
RECONCILIATION OF OPERATING (LOSS) INCOME TO NET CASH (USED IN) PROVIDED BY OPERATING ACTIVITIES		
Operating income (loss)	\$ 13,020	\$ 6,593
Adjustments to reconcile operating (loss) income to net cash provided by operating activities:		
Depreciation	4,178	5,176
State OPEB support revenue	5,893	4,497
(Increase) decrease in operating assets		
Accounts receivable	28,859	(28,859)
Deferred outflows	2,074	51,703
Increase (decrease) in operating liabilities		
Accrued expenses	(1,264)	(312)
Compensated absences	(3,897)	1,256
Pension liability	(27,602)	(74,129)
Deferred inflows	7,909	26,503
Other postemployment benefit liability	<u>(4,430)</u>	<u>(16,222)</u>
Total adjustments	<u>11,720</u>	<u>(30,387)</u>
Net cash provided by (used in) operating activities	<u><u>\$ 24,740</u></u>	<u><u>\$ (23,794)</u></u>

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

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH 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 Twenty-Eighth 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 TWENTY-EIGHTH 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:

Structures and Improvements	3-25 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, 2019.

**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 6.

**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 TWENTY-EIGHTH 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.

**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 and carried forward to the subsequent fiscal year. When separated from employment, employees' sick leave benefits are considered ended and no reimbursement is provided. However, upon retirement, an employee's accumulated annual sick leave may be converted to a greater retirement benefit or payment of the retired employee's health insurance premiums. The cost of the increased retirement option is the liability of the West Virginia Consolidated Public Retirement Board. The payment of health insurance premiums must be absorbed by the last agency employing the retiree and is included as part of the OPEB liability.

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 5 for further discussion.

**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.

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH 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)**

**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, 2019, 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.

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

At June 30, 2019 and 2018, the Corporation held cash and cash equivalents of \$133,512 and \$108,098, 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 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.

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

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

**Compensated Absences**

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.

**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](http://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
Benefits and eligibility for distribution:	

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

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

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.

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%	\$ 215,886	\$ 215,886	\$ 21,589
Tier 1 Employee Share - 4.5%	215,886	215,886	9,715

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%	\$ 216,501	\$ 216,501	\$ 23,815
Tier 1 Employee Share - 4.5%	216,501	216,501	9,743



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

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

***Trend Information***

<u>Fiscal Year</u>	<u>Annual Pension Cost</u>	<u>Percent Contributed</u>
2019	\$ 21,589	100.00%
2018	\$ 23,815	100.00%
2017	\$ 25,980	100.00%

For 2019, the required contribution was \$21,589. 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.

***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 Corporation's proportion of the net pension liabilities was based on a projection of the Corporation'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	\$ 40,467	\$ 68,069
Percentage for proportionate share of net pension liability	0.015669%	0.015770%
Increase/(decrease) in % from prior proportion measured	-0.000101%	0.000299%

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

	<u>2019 PERS</u>	<u>2018 PERS</u>
Pension Expense	<u>\$ 4,571</u>	<u>\$ 14,173</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:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 23,813
Net differences between projected and actual experiences	2,007	100
Changes in proportion and differences between contributions and proportionate share of contributions	901	835
Contributions subsequent to measurement date	21,589	-
Totals	<u>\$ 24,497</u>	<u>\$ 24,748</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:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual earnings on pension plan investments	\$ -	\$ 16,549
Net differences between projected and actual experiences	6,058	151
Deferred differences in assumptions	-	3,531
Changes in proportion and differences between contributions and proportionate share of contributions	1,538	847
Contributions subsequent to measurement date	23,815	-
Totals	<u>\$ 31,411</u>	<u>\$ 21,078</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 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	\$ 3,068	2019	\$ (6,129)
2021	(3,267)	2020	6,596
2022	(17,609)	2021	216
2023	(4,032)	2022	(14,165)
Total	<u>\$ (21,840)</u>	Total	<u>\$ (13,482)</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.

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

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

<b>PERS</b>	<b>June 30, 2018</b>	<b>June 30, 2017</b>
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%
	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-200	Active-100% of RP-200 Non-Annuitant, Scale AA fully generational, Retired health males 110% of RP-2000 Healthy Annuitant, Scale AA fully generational, Retired healthy females-101% of RP-200
Mortality Rates	Healthy Annuitant, Scale AA fully generational, Disabled Males-96% of RP2000 Disabled Annuitant, Scale AA fully generational, Disabled Females - 107% of RP-2000 Disabled Annuitant, Scale AA fully generational	Healthy Annuitant, Scale AA fully generational, Disabled Males-96% of RP2000 Disabled Annuitant, Scale AA fully generational, Disabled Females - 107% of RP-2000Disabled Annuitant, Scale AA fully generational
Withdrawal Rates:		
State	1.75-35.1%	1.75-35.1%
Nonstate	2-35.88%	2-35.8%
Disability Rates	0.007-.675%	0-.675%
Retirement Rates	12-100%	12-100%
Date Range in Most Recent Experience Study	2009-2014	2009-2014

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:

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

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

2018		
<u>Asset Class</u>	<u>Long-term Expected Rate of Return</u>	<u>PERS Target Asset Allocation</u>
US Equity	4.5%	27.5%
International Equity	8.6%	27.5%
Core Fixed Income	3.3%	15.0%
Real Estate	6.0%	10.0%
Private Equity	6.4%	10.0%
Hedge Funds	4.0%	10.0%
		100.0%
2017		
<u>Asset Class</u>	<u>Long-term Expected Rate of Return</u>	<u>PERS Target Asset Allocation</u>
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%
TPS	2.7%	0.0%
Real Estate	7.0%	10.0%
Private Equity	9.4%	10.0%
Hedge Funds	4.7%	10.0%
		100.0%

***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:

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

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

	2019	1% Decrease 6.50%	Current Discount Rate 7.50%	1% Increase 8.50%
Proportionate share of PERS's Net pension liability		\$ 162,963	\$ 40,467	\$ (63,165)
	2018	1% Decrease 6.50%	Current Discount Rate 7.50%	1% Increase 8.50%
Proportionate share of PERS's Net pension liability		\$ 188,449	\$ 68,069	\$ 33,709

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      OTHER POST-EMPLOYMENT BENEFIT PLAN**

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

Plan description:

The Corporation participates in the West Virginia Other Postemployment Benefit Plan (the Plan) 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 Plan are accounted for in the West Virginia Retiree Health Benefit Trust Fund (RHBT), a fiduciary fund of the State of West Virginia. The Plan is administered by a combination of the West Virginia Public Employees Insurance Agency (PEIA) and the RHBT staff. Plan benefits are established and revised by PEIA and the RHBT management with approval of the Finance Board. The Finance Board is comprised of nine members. Finance Board members are appointed by the Governor, serve a term of four years and are eligible for reappointment. The State Department of Administration cabinet secretary serves as the Chairman of the Board. Four members represent labor, education, public employees and public retirees. Four remaining members represent the public-at-large.

RHBT issues publicly available reports that include a full description of the other post-employment benefit plan regarding benefit provisions, assumptions and membership information that can be obtained by contacting Public Employees Insurance Agency, 601 57th Street SE, Suite 2, Charleston, West Virginia 25304-2345, by calling (888) 680-7342 or can be found on the PEIA website at [www.peia.wv.gov](http://www.peia.wv.gov).

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**NOTE 5      OTHER POST-EMPLOYMENT BENEFIT PLAN (CONTINUED)**

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

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.

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 years 2019 and 2018 were \$183 and \$177, respectively.

The Corporation's contributions to the West Virginia Retiree Health Benefit Trust Fund for the years ended June 30, 2019 and 2018 were \$6,405 and \$5,841, respectively. No amount was payable at year-end. Employees are not required to contribute to the OPEB plan.

Members retired before July 1, 1997, pay retiree healthcare contributions at the highest sponsor subsidized rate, regardless of their actual years of service. Members retired between July 1, 1997 and June 30, 2010, pay a subsidized rate depending on the member's years of service. Members hired on or after July 1, 2010, pay retiree healthcare contributions with no sponsor provided implicit or explicit subsidy.

Retiree leave conversion contributions from the employer depend on the retiree's date of hire and years of service at retirement as described below;

- Members hired before July 1, 1988, may convert accrued sick or leave days into 100% of the required retiree healthcare contribution.

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**NOTE 5      OTHER POST-EMPLOYMENT BENEFIT PLAN (CONTINUED)**

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

Members hired from July 1, 1988, to June 30, 2001, may convert accrued sick or leave days into 50% of the required retiree healthcare contribution.

The conversion rate is two days of unused sick and annual leave days per month for single healthcare coverage and three days of unused sick and annual leave days per month for family healthcare coverage.

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.

Contribution requirements (Continued):

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.

***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 OPEB 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:



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**NOTE 5 OTHER POST-EMPLOYMENT BENEFIT PLAN (CONTINUED)**

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

	2019	2018
Corporation's proportionate share of the net OPEB liability	\$ 66,899	\$ 71,328
State's proportional share of the net OPEB liability associated with the Corporation	19,278	14,363
Total portion of the net OPEB liability associated with the Corporation	<u>\$ 86,177</u>	<u>\$ 85,691</u>

	2019	2018
Amount of proportionate share of net OPEB liability	\$ 66,899	\$ 71,328
Percentage of proportionate share of net OPEB liability	0.003118189%	0.002900705%
Increase/(decrease) in % from prior proportion measured	0.000217484%	-0.000624826

For the years ended June 30, 2019 and 2018, the Corporation recognized the following OPEB expense and support provided by the State:

	2019	2018
OPEB expense Corporation	\$ 1,375	\$ 3,338
OPEB expense State support	5,893	4,409
Total OPEB expense	<u>\$ 7,268</u>	<u>\$ 7,747</u>
State support revenue	\$ 5,893	\$ 4,409

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

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual investment earnings	\$ -	\$ 1,238
Differences between expected and actual experience	-	990
Changes in assumptions	-	6,680
Changes in proportion and differences between contributions and proportionate share of contributions	4,276	8,933
Contributions subsequent to the measurement date	<u>6,405</u>	<u>-</u>
Total	<u>\$ 10,681</u>	<u>\$ 17,841</u>

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**NOTE 5 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 years ended June 30, 2018:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual investment earnings	\$ -	\$ 1,138
Differences between expected and actual experience	-	239
Changes in assumptions	-	-
Changes in proportion and differences between contributions and proportionate share of contributions	-	12,225
Contributions subsequent to the measurement date	<u>5,841</u>	<u>-</u>
Total	<u>\$ 5,841</u>	<u>\$ 13,602</u>

The Corporation reported deferred outflows of resources in the amount of \$6,405 related to OPEB from contributions subsequent to the measurement date for the year ended June 30, 2019.

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	\$ (4,627)	2019	\$ (3,640)
2021	(4,627)	2020	(3,640)
2022	(3,668)	2021	(3,640)
2023	(643)	2022	(2,682)
Total	<u>\$ (13,565)</u>		<u>\$ (13,602)</u>

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

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**NOTE 5 OTHER POST-EMPLOYMENT BENEFIT PLAN (CONTINUED)**

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

***Actuarial assumptions***

<b>OPEB</b>	<b>June 30, 2018</b>	<b>June 30, 2017</b>
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, closed	Level percentage of payroll over a 21 year closed period
Amortization Period	20 years closed as of June 30, 2017	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 2018. For fiscal years on and after 2019, trend starts at 8.0% and 10.0% for pre and post-Medicare, respectively, and gradually decreases to an ultimate trend rate of 4.5%. Excess trend rate of 0.13% and 0.0% for pre and post-Medicare, respectively, is added to healthcare trend rates pertaining to per capita claims costs beginning in 2022 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.

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 WVBTL.

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**NOTE 5      OTHER POST-EMPLOYMENT BENEFIT PLAN (CONTINUED)**

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

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 for 2018 and 2017 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.

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**NOTE 5 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	1% decrease (6.15%)	Current Discount Rate (7.15%)	1% Increase (8.15%)
Proportionate share of net OPEB liability	\$ 78,626	\$ 66,899	\$ 57,123
2018	1% decrease (6.15%)	Current Discount Rate (7.15%)	1% Increase (8.15%)
Proportionate share of net OPEB liability	\$ 83,053	\$ 71,328	\$ 61,581

**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	1% Decrease	Healthcare Cost Trend Rates	1% Increase
Proportionate share of net OPEB liability	\$ 55,355	\$ 66,899	\$ 80,964
2018	1% Decrease	Healthcare Cost Trend Rates	1% Increase
Proportionate share of net OPEB liability	\$ 59,917	\$ 71,328	\$ 85,285

**NOTE 6 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.

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

**NOTE 6      RISK MANAGEMENT (CONTINUED)**

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.

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.

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

**NOTE 7 CAPITAL ASSETS**

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

	Beginning Balance	Increases	Decreases	Ending Balance
Capital Assets not Being Depreciated:				
Land	\$ 3,000	\$ -	\$ -	\$ 3,000
Total Capital Assets not Being Depreciated	<u>3,000</u>	<u>-</u>	<u>-</u>	<u>3,000</u>
Capital Assets Being Depreciated:				
Building	68,771	-	-	68,771
Computer Equipment	29,755	-	-	29,755
Furniture and Fixtures	8,832	-	-	8,832
Less: Accumulated Depreciation:				
Building	(56,262)	(2,557)	-	(58,819)
Computer Equipment	(25,759)	(908)	-	(26,667)
Furniture and Fixtures	(9,186)	(713)	-	(9,899)
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>16,151</u>	<u>(4,178)</u>	<u>-</u>	<u>11,973</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ 19,151</u>	<u>\$ (4,178)</u>	<u>\$ -</u>	<u>\$ 14,973</u>

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

	Beginning Balance	Increases	Decreases	Ending Balance
Capital Assets not Being Depreciated:				
Land	\$ 3,000	\$ -	\$ -	\$ 3,000
Total Capital Assets not Being Depreciated	<u>3,000</u>	<u>-</u>	<u>-</u>	<u>3,000</u>
Capital Assets Being Depreciated:				
Building	68,771	-	-	68,771
Computer Equipment	29,755	-	-	29,755
Furniture and Fixtures	8,832	-	-	8,832
Less: Accumulated Depreciation:				
Building	(53,704)	(2,558)	-	(56,262)
Computer Equipment	(24,061)	(1,698)	-	(25,759)
Furniture and Fixtures	(8,266)	(920)	-	(9,186)
Total Capital Assets Being Depreciated, Net of Accumulated Depreciation	<u>21,327</u>	<u>(5,176)</u>	<u>-</u>	<u>16,152</u>
Total Capital Assets Net Accumulated Depreciation	<u>\$ 24,327</u>	<u>\$ (5,176)</u>	<u>\$ -</u>	<u>\$ 19,152</u>

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

**NOTE 8 LONG-TERM OBLIGATIONS**

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

	Balance at June 30, 2018	Additions	Reductions	Balance at June 30, 2019	Due Within One Year
Compensated Absences	\$ 17,555	\$ -	\$ (3,897)	\$ 13,658	\$ 13,658
Net OPEB Liability	71,328	-	(4,429)	66,899	-
Net Pension Liability	68,069	-	(27,602)	40,467	-
Total	<u>\$ 156,952</u>	<u>\$ -</u>	<u>\$ (35,928)</u>	<u>\$ 121,024</u>	<u>\$ 13,658</u>

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	\$ 16,299	\$ 1,256	\$ -	\$ 17,555	\$ 17,555
Net OPEB Liability	143,167	-	(71,839)	71,328	-
Net Pension Liability	142,198	-	(74,129)	68,069	-
Total	<u>\$ 301,664</u>	<u>\$ 1,256</u>	<u>\$ (145,968)</u>	<u>\$ 156,952</u>	<u>\$ 17,555</u>

**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 net position through September 13, 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 13, 2019 that would require adjustment or disclosure in the financial statements.



**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY  
JUNE 30, 2019**

	<b>Public Employees Retirement System</b>					
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Corporation's proportion of the net pension liability (asset) (percentage)	0.015669%	0.015770%	0.015471%	0.015731%	0.015646%	0.015590%
Corporation's proportionate share of the net pension liability (asset)	\$ 40,467	\$ 68,069	\$ 142,198	\$ 87,843	\$ 57,744	\$ 142,634
Corporation's covered payroll	\$ 216,501	\$ 216,501	\$ 213,192	\$ 217,621	\$ 230,207	\$ 208,664
Corporation's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	18.69%	31.44%	66.70%	40.37%	25.08%	68.36%
Plan fiduciary net position as a percentage of the total pension liability	96.33%	93.67%	86.11%	94.23%	91.29%	79.70%

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

**This schedule will be build prospectively**

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
SCHEDULE OF PENSION CONTRIBUTIONS  
JUNE 30, 2019**

**Public Employees Retirement System**

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>
Contractually required contribution	\$ 21,589	\$ 23,815	\$ 25,980	\$ 28,781	\$ 30,467	\$ 33,380	\$ 29,213
Contributions in relation to contractually required contribution	<u>(21,589)</u>	<u>(23,815)</u>	<u>(25,980)</u>	<u>(28,781)</u>	<u>(30,467)</u>	<u>(33,380)</u>	<u>(29,213)</u>
Contribution deficit (surplus)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Corporation's covered payroll	\$ 215,886	\$ 216,501	\$ 216,501	\$ 213,192	\$ 217,621	\$ 230,207	\$ 208,664
Contributions as a percentage of covered payroll	10%	11%	12%	13.50%	14.00%	14.50%	14.00%

**The chart will be built prospectively**

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
SCHEDULE OF PROPORTIONATE SHARE OF NET OPEB LIABILITY  
JUNE 30, 2019**

**Retiree Health Benefit Trust**

	<u>2018</u>	<u>2017</u>	<u>2016</u>
Corporation's proportion of the net OPEB liability (asset) (percentage)	0.003118189%	0.002900705%	0.003525531%
Corporation's proportionate share of the net OPEB liability (asset)	\$ 66,899	\$ 71,328	\$ 87,550
State's proportionate share of the net OPEB liability (asset) associated with the Corporation	<u>19,278</u>	<u>14,363</u>	<u>-</u>
Total	<u>\$ 86,177</u>	<u>\$ 85,691</u>	<u>\$ 87,550</u>
Corporation's covered-employee payroll	\$ 216,501	\$ 216,501	\$ 213,192
Corporation's proportionate share of the net OPEB liability (asset) as a percentage of its covered-employee payroll	30.90%	32.95%	41.07%
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 build prospectively**

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
SCHEDULE OF OPEB CONTRIBUTIONS  
JUNE 30, 2019**

	<b>Retiree Health Benefit Trust</b>			
	<u><b>2019</b></u>	<u><b>2018</b></u>	<u><b>2017</b></u>	<u><b>2016</b></u>
Contractually required contribution	\$ 6,405	\$ 5,841	\$ 5,958	\$ 6,031
Contributions in relation to contractually required contribution	<u>(6,405)</u>	<u>(5,841)</u>	<u>(5,958)</u>	<u>(6,031)</u>
Contribution deficit (surplus)	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>
Corporation's covered-employee payroll	\$ 215,886	\$ 216,501	\$ 216,501	\$ 213,192
Contributions as a percentage of covered-employee payroll	2.97%	2.70%	2.75%	2.83%

**Information prior to 2016 is not available.**

**The schedule will be built prospectively**

**PUBLIC DEFENDER CORPORATION  
FOR THE TWENTY-EIGHTH 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 2015 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 2018 and 2017 valuations:

Certain assumptions have been changed since the prior measurement date. The assumption changes that most significantly impacted the Net OPEB Liability are as follows: the inclusion of waived annuitants increased the liability by approximately \$17 million; a 15% reduction in the retirement rate assumption decreased the liability by approximately \$68 million; a change in certain healthcare-related assumptions decreased the liability by approximately \$232 million; and an update to the mortality tables increased the liability by approximately \$25 million. Certain other assumption changes were noted but did not materially impact the Net OPEB Liability.

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.



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 13, 2019

Public Defender Corporation for the Twenty-Eighth Judicial Circuit  
723 Main Street  
Summersville, WV 26651

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 Twenty-Eighth 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 13, 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 black ink that reads "Perry & Associates CPAs A.C." in a cursive script.

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