

COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA



FINANCIAL STATEMENT AUDIT
FOR THE YEAR ENDED JUNE 30, 2007
ISSUED JUNE 11, 2008

**LEGISLATIVE AUDITOR
1600 NORTH THIRD STREET
POST OFFICE BOX 94397
BATON ROUGE, LOUISIANA 70804-9397**

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LOUISIANA LEGISLATIVE AUDITOR
STEVE J. THERIOT, CPA

March 19, 2008

Independent Auditor's Report
on the Financial Statements

COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA
Lake Charles, Louisiana

We have audited the accompanying special purpose (legal basis) financial statements of the Court of Appeal, Third Circuit, a court within Louisiana state government, as of and for the year ended June 30, 2007, as listed in the foregoing table of contents. These financial statements are the responsibility of management of the Court of Appeal, Third Circuit. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in note 1-B, the accompanying special purpose financial statements present only the funds of the Court of Appeal, Third Circuit. As such, they present the appropriated and non-appropriated activity of the court that are part of the accounts and fund structure of the State of Louisiana. The General Appropriation Fund reflects appropriated activity of the court that is part of the General Fund of the State of Louisiana. The non-appropriated fund is an individual fund of the State of Louisiana not subject to budgetary control. The financial statements do not purport to, and do not, present fairly the financial position of the State of Louisiana as of June 30, 2007, or the changes in its financial position for the year then ended, in conformity with accounting principles generally accepted in the United States of America. Furthermore, the special purpose financial statements have been prepared on a legal basis of accounting, the purpose of which is to reflect compliance with the annual appropriation act for the appropriated fund and the financial position of the non-appropriated fund. These procedures differ from accounting principles generally accepted in the United States of America as described in the notes to the financial statements. The effects on the financial statements of the variances between legal basis accounting practices and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

In our opinion, because of the effects of the matter discussed in the preceding paragraph, the accompanying special purpose financial statements referred to previously were not intended to and do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of each fund of the Court of Appeal, Third Circuit as of June 30, 2007, or the changes in financial position thereof for the year then ended. Furthermore, the court has not presented a management's discussion and analysis that accounting principles generally accepted in the United States has determined is necessary to supplement, although not required to be, part of the financial statements.

In our opinion, the accompanying special purpose financial statements referred to previously present fairly, in all material respects, the balances within the appropriated and non-appropriated funds of the Court of Appeal, Third Circuit as of June 30, 2007, and the transactions of such funds for the year then ended, on the basis of accounting described in note 1-D.

During August and September of 2005, the State of Louisiana suffered considerable damage from two major hurricanes, Katrina and Rita, resulting in the President of the United States declaring Louisiana a major disaster area. Because of the severity of these two separate events and the resulting damages sustained, it is unknown what economic impact recovery will have on state and local governmental operations in Louisiana. While the Court of Appeal, Third Circuit did suffer damage from Hurricane Rita, the court was able to reopen on October 26, 2005. However, the long-term effects of these events on the court cannot be determined at this time.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 19, 2008, on our consideration of the Court of Appeal, Third Circuit's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

This report is intended solely for the information and use of the court and its management and the Louisiana Legislature and is not intended to be, and should not be, used by anyone other than these specified parties. Under Louisiana Revised Statute 24:513, this report is distributed by the Legislative Auditor as a public document.

Respectfully submitted,



Steve J. Theriot, CPA
Legislative Auditor

LMB:EFS:PEP:sr

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA
ALL APPROPRIATED AND NON-APPROPRIATED FUNDS**

Balance Sheet (Legal Basis), June 30, 2007

	APPROPRIATED FUND - GENERAL APPROPRIATION	NON- APPROPRIATED FUND - FEE ACCOUNT	TOTAL (MEMORANDUM ONLY)
ASSETS			
Cash and cash equivalents (note 2)	\$202,454	\$577,129	\$779,583
Due from Supreme Court	79,644		79,644
Accounts receivable		4,800	4,800
	<hr/>	<hr/>	<hr/>
TOTAL ASSETS	\$282,098	\$581,929	\$864,027
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
LIABILITIES AND FUND EQUITY			
Liabilities:			
Accounts payable	\$200,736	\$1,285	\$202,021
Payroll payable	11,031		11,031
Total Liabilities	<hr/>	<hr/>	<hr/>
Fund Equity - fund balances - reserved (note 7)	70,331	580,644	650,975
	<hr/>	<hr/>	<hr/>
TOTAL LIABILITIES AND FUND EQUITY	\$282,098	\$581,929	\$864,027
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The accompanying notes are an integral part of this statement.

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**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA
ALL APPROPRIATED AND NON-APPROPRIATED FUNDS**

**Statement of Revenues, Expenditures,
and Changes in Fund Balances (Legal Basis)
For the Year Ended June 30, 2007**

	APPROPRIATED FUND - GENERAL APPROPRIATION	NON- APPROPRIATED FUND - FEE ACCOUNT	TOTAL (MEMORANDUM ONLY)
REVENUES			
Filing and copy fees		\$154,004	\$154,004
Use of money and property - interest earnings	\$715	21,834	22,549
Other	113		113
Total revenues	<u>828</u>	<u>175,838</u>	<u>176,666</u>
EXPENDITURES			
Appropriated expenditures:			
Personal services	5,146,941		5,146,941
Travel and conventions	257,185		257,185
Operating supplies and services	1,147,319		1,147,319
Capital outlay	462,670		462,670
Non-appropriated expenditures:			
Personal services		42,863	42,863
Association dues		1,761	1,761
Travel and conventions		14,652	14,652
Operating supplies and services		11,798	11,798
Judges' Supplemental Compensation Fund		13,637	13,637
Total expenditures	<u>7,014,115</u>	<u>84,711</u>	<u>7,098,826</u>
EXCESS (Deficiency) OF REVENUES OVER EXPENDITURES	<u>(7,013,287)</u>	<u>91,127</u>	<u>(6,922,160)</u>
OTHER FINANCING SOURCES			
Transfer from Supreme Court	6,942,543		6,942,543
Transfer from other agency	7,828		7,828
Total other financing sources	<u>6,950,371</u>	<u>NONE</u>	<u>6,950,371</u>
EXCESS (Deficiency) OF REVENUES AND OTHER SOURCES OVER EXPENDITURES	<u>(62,916)</u>	<u>91,127</u>	<u>28,211</u>
FUND BALANCES AT BEGINNING OF YEAR	<u>133,247</u>	<u>489,517</u>	<u>622,764</u>
FUND BALANCES AT END OF YEAR	<u>\$70,331</u>	<u>\$580,644</u>	<u>\$650,975</u>

The accompanying notes are an integral part of this statement.

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INTRODUCTION

The Court of Appeal, Third Circuit is a part of the State of Louisiana reporting entity within the judicial branch of government. The court is provided for in Article V, Sections 8 through 13 of the Louisiana Constitution of 1974 and Sections 311 through 392 of Title 13 of the Louisiana Revised Statutes of 1950. The court's operations are funded through an annual lapsing appropriation made by the Louisiana Legislature and from self-generated revenues authorized by Louisiana Revised Statute (R.S.) 13:352. In addition to the fees mandated by R.S. 13:352 relative to appeals, applications for writs, motions filed on unlodged appeals, and answers to appeals, the court, in compliance with R.S. 13:10.3(E) and in conformity with the Judges' Supplemental Compensation Fund, charged an additional fee of \$19.50. The total amount collected in connection with the Judges' Supplemental Compensation Fund is remitted to the Judicial Administrator's Office of the Supreme Court of Louisiana.

The Court of Appeal, Third Circuit has appellate jurisdiction as authorized under Article V, Section 5 of the Louisiana Constitution, over the parishes of Acadia, Allen, Avoyelles, Beauregard, Cameron, Calcasieu, Catahoula, Concordia, Evangeline, Grant, Iberia, Jefferson Davis, Lafayette, LaSalle, Natchitoches, Rapides, Sabine, St. Martin, St. Landry, Vermilion, and Vernon. In addition, the court has supervisory jurisdiction, subject to the general supervisory jurisdiction of the Supreme Court of Louisiana, over all lower courts in all cases in which an appeal would extend to the court of appeal. The Court of Appeal, Third Circuit is domiciled in Lake Charles and has 12 judges and 75 other employees.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. BASIS OF PRESENTATION

The Governmental Accounting Standards Board (GASB) promulgates accounting principles generally accepted in the United States of America and reporting standards for state and local governments. These principles are found in the *Codification of Governmental Accounting and Financial Reporting Standards*, published by the GASB. However, the accompanying financial statements have been prepared on a legal basis, which differs from accounting principles generally accepted in the United States of America as explained in the following notes.

B. REPORTING ENTITY

GASB Codification Section 2100 has defined the governmental reporting entity to be the State of Louisiana. The court is included within the State of Louisiana reporting entity because the state exercises oversight responsibility and has accountability for fiscal matters as follows: (1) the state has control and exercises authority over budget matters; (2) state appropriations provide the largest percentage of total revenues; and (3) the court primarily serves state residents. The accompanying financial statements present information only as to the transactions of the court within the judicial branch of state government.

Annually, the State of Louisiana issues basic financial statements that include the activity contained in the accompanying financial statements. The Louisiana Legislative Auditor audits these basic financial statements.

C. FUND ACCOUNTING

The Court of Appeal, Third Circuit uses fund accounting, along appropriation lines, to reflect its compliance with provisions of the annual appropriation act and to reflect the financial position and results of operations of its non-appropriated fund. This differs from the fund accounting of accounting principles generally accepted in the United States of America where the intent is to measure the financial position and results of operations of the governmental reporting entity as a whole. Therefore, the funds within the accompanying financial statements have been divided between appropriated and non-appropriated funds and not by the conventional fund types of accounting principles generally accepted in the United States of America.

The funds do not include any noncurrent assets or liabilities. Noncurrent assets, capital assets, and long-term liabilities are reflected in the State of Louisiana's basic financial statements.

The funds presented in the special purpose financial statements are described as follows:

General Appropriation Fund

The General Appropriation Fund provides for the general administrative expenditures of the court.

Non-Appropriated Fund - Fee Account

The Fee Account is used to account for filing fees and other revenues received by the court, as provided by R.S. 13:352 and 13:10.3. Expenditures incurred in excess of the amount appropriated by the legislature (General Appropriation Fund) are funded from this account.

D. BASIS OF ACCOUNTING

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. The funds in the accompanying financial statements measure the resources provided by the legislature to fund current-year expenditures and the use of those resources by the court. This differs from accounting principles generally accepted in the United States of America in which the measurement focus would be to measure the flow of current resources.

Basis of accounting refers to when revenues and expenditures are recognized and reported in the financial statements, regardless of the measurement focus applied. The accompanying financial statements reflect revenues and expenditures in accordance with applicable statutory provisions and regulations of the Judicial Budgetary Control Board. These legal requirements differ from generally accepted accounting principles as follows:

1. Revenues are recognized to the extent that they have been appropriated and not necessarily when measurable and available.
2. Expenditures are recognized to the extent that appropriation authority has been extended to the court and not necessarily when the fund liability has been incurred.

Under the foregoing legal provisions, the court uses the following practices in recognizing revenues and expenditures:

Revenues

Self-generated revenues are recognized when earned. Interest income on time deposits is recorded when the time deposits have matured and the interest is available.

Expenditures

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Furthermore, any expenditure of a long-term nature for which funds have not been appropriated during the current year is not recognized in the accompanying financial statements.

Other Financing Sources (Uses)

The transfer from the Supreme Court represents the appropriation from the state General Fund and is recognized in the amount appropriated, to the extent withdrawn from the state treasury. Operating transfers are recognized when they become measurable and available.

E. CASH AND CASH EQUIVALENTS

Cash and cash equivalents include demand deposits, money market accounts, and a certificate of deposit. Under state law, the court may deposit funds within a fiscal agent bank organized under the laws of the State of Louisiana, the laws of any other state in the Union, or the laws of the United States. Furthermore, the court may invest in time certificates of deposit of state banks organized under the laws of the State of Louisiana, national banks having their principal offices in Louisiana, in savings accounts or shares of savings and loan associations and savings banks, and in share accounts and share certificate accounts of federally or state-chartered credit unions.

F. LONG-TERM OBLIGATIONS

The court is not allowed by statute to incur bonded indebtedness and, therefore, no recognition within the accompanying financial statements is necessary. Furthermore, any long-term obligations of the court arising from lease commitments, judgments, compensated absences, or from any other source are not recognized in the accompanying special purpose financial statements.

G. ENCUMBRANCES

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded to reserve fund balances, is employed by the court. Encumbrances outstanding at year-end are reported as reservations of fund balance since they do not constitute expenditures or liabilities in the year encumbered.

H. BUDGET PRACTICES

The general appropriation made for the operations of the court is an annual lapsing appropriation. Amounts not expended or encumbered should be returned to the state General Fund on or before September 1, 2007. The general appropriation for fiscal year 2007 was expended or encumbered.

The accompanying financial statements do not present a budget comparison because the appropriated fund is budgeted in lump sum and the non-appropriated fund is not subject to budgetary control. The budget authorized by Act 57 of the 2006 Regular Session of the Legislature for the appropriated fund was \$6,805,574, which was subsequently increased by \$136,969, establishing a total budget of \$6,942,543. Budget revisions are granted by the Judicial Budgetary Control Board as provided by the act.

I. JUDGES' SALARIES

The salaries of the judges are paid directly by the Supreme Court of Louisiana with warrants drawn on the state treasury and are not included in the expenditures of the accompanying financial statements.

J. LEAVE BENEFITS

The clerk of court, the director of central staff, and their respective staff earn annual and sick leave at various rates depending on their years of service. Employees participating in the Louisiana State Employees Retirement System can accumulate unused annual and sick leave without limitation. Upon termination, these employees are compensated for unused annual leave not to exceed 300 hours, but they are not compensated for unused sick leave. Unused annual leave in excess of 300 hours plus unused sick leave may be credited as service for purposes of computing retirement benefits for those employees who are members of the Louisiana State Employees Retirement System.

Other law clerks and secretaries employed by particular judges are employees of those judges. As such, they are subject to the guidelines set by the judge. There is no set policy for these employees. With respect to these employees of the judges, upon termination of employment, all unused annual and sick leave is forfeited. Judges may elect to have their personal employees covered by the full provisions of the *Human Resource Manual*, which would then provide those employees with the same annual and sick leave as all other employees.

The cost of current leave privileges is recognized as a current-year expenditure in the General Appropriation Fund when leave is actually taken. The liability for unused annual leave payable at June 30, 2007, computed in accordance with the GASB Codification Section C60, is estimated at \$367,657. The leave payable is not recorded in the accompanying financial statements.

K. TOTAL COLUMNS ON STATEMENTS

The total columns on the statements are captioned “Total (Memorandum Only)” to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position or results of operations. Neither is such data comparable to a consolidation.

2. CASH AND CASH EQUIVALENTS

Cash and cash equivalents (book balances) are composed of the following:

Interest-bearing demand deposits	\$267,628
Money market accounts	475,794
Certificate of deposit	<u>36,161</u>
Total	<u><u>\$779,583</u></u>

Cash and cash equivalents are stated at cost, which approximates market. Under state law, these deposits must be secured by federal deposit insurance or the pledge of securities owned by the fiscal agent bank. The market value of the pledged securities plus the federal deposit insurance must at all times equal the amount on deposit with the fiscal agent. The court has deposit balances (collected bank balances) of \$991,772 at June 30, 2007, for which the court has control. These deposits are secured from risk by \$301,180 of federal deposit insurance and \$690,592 of pledged securities held by either the federal reserve or a custodial bank in the name of the court.

3. PENSION PLANS

Substantially all employees of the court are members of the Louisiana Clerks Retirement and Relief Fund (LCRRF) or the Louisiana State Employees Retirement System (LASERS). LCRRF is a cost-sharing, multiple-employer defined benefit pension plan administered by a separate board of trustees. LASERS is considered a single-employer plan. LCRRF and LASERS provide retirement, disability, and survivors' benefits to plan members and beneficiaries. Benefits granted by LASERS are guaranteed by the State of Louisiana by provisions of the Louisiana Constitution of 1974. Generally, all full-time employees are eligible to participate in the retirement systems, with employee benefits vesting after 10 years of service. The systems issue annual publicly available financial reports that include financial statements and required supplementary information for the systems. The reports may be obtained by writing to the Louisiana Clerks Retirement and Relief Fund, 11745 Bricksome Avenue, Suite B1, Baton Rouge, Louisiana 70816, or by calling (225) 293-1162, and the Louisiana State Employees Retirement System, Post Office Box 44213, Baton Rouge, Louisiana 70804, or by calling (225) 922-0600.

The contribution requirements of plan members and the court are established and may be amended by the state legislature. The legislature annually sets the required employer contribution rate equal to the actuarially required employer contribution as set forth in R.S. 11:102. Employees contribute 8.25% (LCRRF) and 7.5% to 8% (LASERS) of covered salaries. The court's contribution to LCRRF was 16.75% of annual covered payroll for the fiscal year ended June 30, 2007; 15.75% of annual covered payroll for the fiscal year ended June 30, 2006; and 14.5% for the fiscal year ended June 30, 2005. The contribution rate to LASERS was 19.1% of annual covered payroll for fiscal year ended June 30, 2007; 19.1% of annual covered payroll for fiscal year ended June 30, 2006; and 17.8% of annual covered payroll for the fiscal year ended June 30, 2005. The court's employer contribution is funded by the State of Louisiana through the annual appropriation to the court. The court's employer contributions to LCRRF for the years ended June 30, 2007, 2006, and 2005 were \$135,520; \$114,561; and \$99,014, respectively, and to LASERS for the years ended June 30, 2007, 2006, and 2005 were \$514,556; \$491,025; and \$408,669, respectively, equal to the required contributions for each year.

4. POSTEMPLOYMENT HEALTH CARE AND LIFE INSURANCE BENEFITS

The court provides certain continuing health care, dental care, and life insurance benefits for its retired employees. Substantially all of the court's employees become eligible for these benefits if they reach normal retirement age while working for the court. These benefits for retirees and similar benefits for active employees are provided through insurance companies whose monthly premiums are paid jointly by the employee and the court. The court's costs of providing retiree health care, dental care, and life insurance benefits are recognized as expenditures when the monthly premiums are paid. For the year ended June 30, 2007, the cost of benefits for retirees totaled \$114,544.

5. JUDGMENTS, CLAIMS, AND SIMILAR CONTINGENCIES

Obligations and losses arising from judgments, claims, and similar contingencies are paid through the state's self-insurance fund or by General Fund appropriation and are not reflected in the accompanying special purpose financial statements. The self-insurance fund is operated by the Office of Risk Management, the state agency responsible for the state's self-insurance program.

6. LEASE AND RENTAL COMMITMENTS

For the fiscal year ending June 30, 2007, the court's rental expenditures amounted to \$181,373 for judicial office space and \$51,532 for equipment. The annual rental payments for operating leases for future fiscal years are as follows:

Fiscal year:	
2008	\$49,551
2009	35,400
2010	22,800
2011	<u>6,900</u>
Total	<u><u>\$114,651</u></u>

The court has no capital lease agreements for the fiscal year ended June 30, 2007.

7. FUND BALANCE RESERVES

The Appropriated Fund - General Appropriation has a reserved fund balance totaling \$70,331. The total encumbrance is to fund the repair of the court's roof. These funds may be retained and used to defray the expenditures of the court as allowed by Act 57 of 2006.

The Non-Appropriated Fund - Fee Account has reserves for continuing operations of \$580,644. These funds may be retained and used to defray the expenditures of the court as prescribed by R.S. 13:352.

8. DEFERRED COMPENSATION PLAN

Certain employees of the court participate in the Louisiana Public Employees Deferred Compensation Plan adopted under the provisions of the Internal Revenue Code Section 457. Complete disclosures relating to the Plan are included in the separately issued audit report for the Plan, available from the Louisiana Legislative Auditor, Post Office Box 94397, Baton Rouge, Louisiana 70804-9397.

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OTHER REPORT REQUIRED BY
GOVERNMENT AUDITING STANDARDS

The following pages contain a report on internal control over financial reporting and on compliance with laws, regulations, and other matters as required by *Government Auditing Standards*, issued by the Comptroller General of the United States. This report is based solely on the audit of the financial statements and includes, where appropriate, any significant deficiencies and/or material weaknesses in internal control or compliance and other matters that would be material to the presented financial statements.



LOUISIANA LEGISLATIVE AUDITOR
STEVE J. THERIOT, CPA

March 19, 2008

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

COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA
Lake Charles, Louisiana

We have audited the special purpose (legal basis) financial statements of the Court of Appeal, Third Circuit as of and for the year ended June 30, 2007, and have issued our report thereon dated March 19, 2008. Our report was modified to indicate that the financial statements present fairly the financial position and changes in financial position of the court on a legal basis rather than in conformity with accounting principles generally accepted in the United States of America and an emphasis of a matter related to hurricanes Katrina and Rita. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Court of Appeal, Third Circuit's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Court of Appeal, Third Circuit's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Court of Appeal, Third Circuit's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed in the following paragraph, we identified a deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination

of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control. We consider the following deficiency to be a significant deficiency in internal control over financial reporting.

Inaccurate Annual Fiscal Report

The Court of Appeal, Third Circuit did not submit an accurate Annual Fiscal Report (AFR) for the fiscal year ended June 30, 2007. As authorized by Louisiana Revised Statute 39:79, the commissioner of administration through the Division of Administration's Office of Statewide Reporting and Accounting Policy (OSRAP) prescribes the content and format for the preparation of each agency AFR, which is then used in the compilation of the state's Comprehensive Annual Financial Report. Good internal control includes establishing a process to ensure that the fiscal report is accurately prepared and reviewed. However, the court's balance sheet for the appropriated fund - general appropriation required material audit adjustments as total assets were understated by \$245,958; total liabilities were understated by \$200,736; and fund equity was understated by \$45,222.

The court's preparation of the appropriated fund's balance sheet included improper adjustments that materially affected accounts payable and cash. In addition, the amount due from the state's Supreme Court was not recognized in the AFR. Inadequate preparation of the AFR could result in misreported financial data and undetected errors or fraud.

The court's management should ensure that its AFR is properly prepared and should review the financial information and note disclosures in its AFR to identify and correct errors before submitting them to OSRAP. Management concurred with the finding and provided a corrective action plan (see Appendix A).

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we do consider the significant deficiency described above to be a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Court of Appeal, Third Circuit's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with

which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the court and its management and the Louisiana Legislature and is not intended to be, and should not be, used by anyone other than these specified parties. Under Louisiana Revised Statute 24:513, this report is distributed by the Legislative Auditor as a public document.

Respectfully submitted,



Steve J. Theriot, CPA
Legislative Auditor

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Management's Corrective Action
Plan and Response to the
Finding and Recommendation



ULYSSES GENE THIBODEAUX
CHIEF JUDGE

Court of Appeal, Third Circuit
STATE OF LOUISIANA

March 6, 2008

P. O. Box 16577
Lake Charles, LA 70616
(337) 433-9403
Fax (337) 491-2830
E-mail jthibode@la3circuit.org

Mr. Steve Theriot
Legislative Auditor
P. O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Theriot:

Your office's annual audit of the Court of Appeal, Third Circuit contained the attached "Inaccurate Annual Fiscal Report" finding. While my court recognizes the need to properly prepare the AFR, it is important to note that the Third Circuit's General Ledger and other internal financial reports were accurate and did not require adjustment.

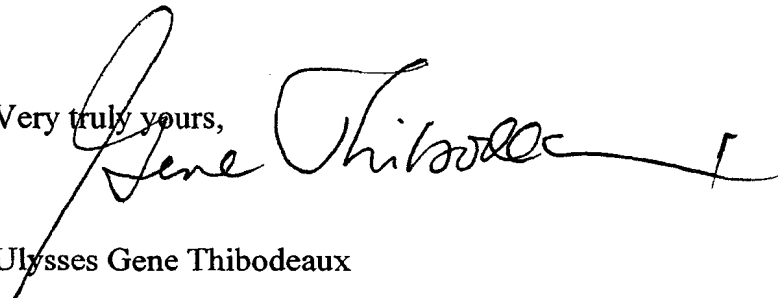
The assets and liabilities referenced in the finding were properly recorded and reflected in the General Ledger, as was the amount due from the Louisiana Supreme Court, therefore refuting any suggestion of possible fraud. The error was generated from the transfer of this information to the compilation of the balance sheet. This was simply a reporting error with no intent to report inaccurately.

Equally noteworthy is the fact that our books are correct and the true cash-on-hand balance was in all of the various computer-generated accounting reports (Solomon) which were provided to your office. Nothing in our accounting system, Solomon, will have to be changed. The error was made on the manual report, and for this we sincerely apologize.

Procedures have been modified to assure that the AFR is correctly reported before submitting to OSRAP in the future.

Appreciative of all courtesies, I am

Very truly yours,


Ulysses Gene Thibodeaux

UGT/jsf

cc: All Third Circuit Judges
Kelly McNeely
Viki Robles