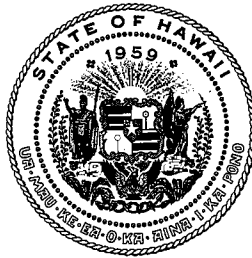


STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawai'i 96813-2917



LESLIE H. KONDO
State Auditor
(808) 587-0800
lao.auditors@hawaii.gov

DEPT. COMM. NO. 335

March 6, 2017

HAND DELIVER

The Honorable Ronald Kouchi
Senate President
415 S. Beretania Street
State Capitol, Room 409
Honolulu, Hawai'i 96813

Re: Audit of Department of the Attorney General

Dear President Kouchi:

The financial audit report of Department of the Attorney General for the fiscal year ending 2016, was issued on January 23, 2017 by Akamine, Oyadomari & Kosaki CPA's, Inc. The Office of the Auditor retained Akamine, Oyadomari & Kosaki CPA's, Inc. to perform the financial audit. For your information, we are enclosing copies of the two-page summary and the report.

The Auditor's Summary and report may be viewed electronically on our website at [http://files.hawaii.gov/auditor/Reports/2016 Audit/AG Summary 2016.pdf](http://files.hawaii.gov/auditor/Reports/2016%20Audit/AG%20Summary%202016.pdf) and [http://files.hawaii.gov/auditor/Reports/2016 Audit/AG2016.pdf](http://files.hawaii.gov/auditor/Reports/2016%20Audit/AG2016.pdf).

If you have any questions about the report, please contact me.

Very truly yours,

Leslie H. Kondo
State Auditor

LHK:RTS:lfs

Enclosures

Auditor's Summary

Financial Audit of the Department of the Attorney General

Financial Statements, Fiscal Year Ended June 30, 2016



PHOTO: OFFICE OF THE AUDITOR

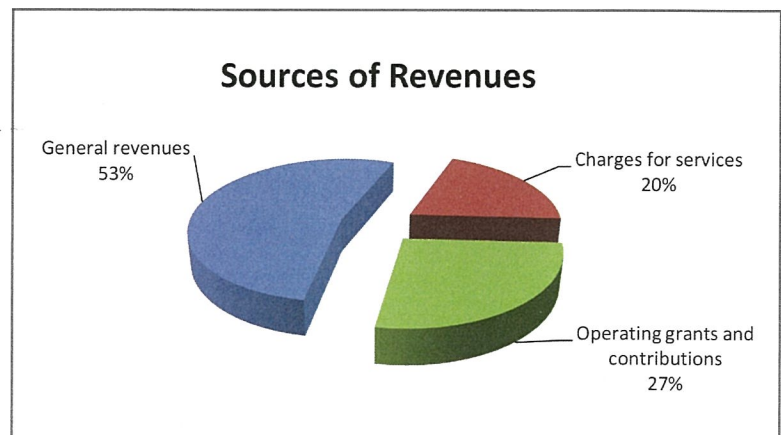
THE PRIMARY PURPOSE of the audit was to form an opinion on the fairness of the presentation of the financial statements for the Department of the Attorney General (ATG), as of and for the fiscal year ended June 30, 2016, and to comply with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which established audit requirements for state and local governmental units that receive federal awards. The audit was conducted by Akamine, Oyadomari & Kosaki, CPAs, Inc.

About the Department

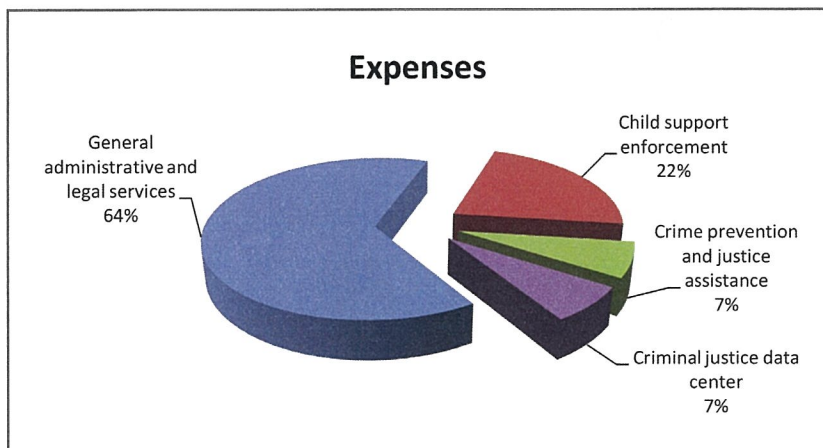
ATG ADMINISTERS and renders legal services, including furnishing written legal opinions to the governor, State Legislature, and the heads of state departments and offices as the governor may direct; represents the State in all civil actions in which the State is a party; approves as to legality and form all documents relating to the acquisition of any land or interest in the State. ATG also maintains criminal justice information and conducts investigations, crime prevention programs, and a number of other programs. ATG's Child Support Enforcement Agency (CSEA) provides assistance to children by locating parents, establishing paternity and support obligations, and enforcing those obligations.

Financial Highlights

FOR THE FISCAL YEAR ended June 30, 2016, ATG reported total revenues of \$88.3 million. Revenues include general revenues of \$47.6 million, consisting primarily of state general fund appropriations; program revenues consisting \$17.2 million in charges for services; and \$23.5 million in operating grants and contributions.



ATG reported \$86.9 million in total expenses. Expenses include \$55.6 million for general administrative and legal services, \$18.7 million for child support enforcement, \$6.1 million for crime prevention and justice assistance, and \$6.5 million for criminal justice data center activities.



Fiduciary Fund Deficit

Inflows and outflows of funds related to the CSEA program are accounted for separately in an agency fund. Normally, agency fund assets should be equal to agency fund liabilities, as the funds are held on behalf of others. However, ATG continues to maintain a deficit balance of approximately \$1.6 million at June 30, 2016. According to ATG, the deficit balance is caused by a combination of uncollected recoupments due from custodial parents resulting from overpayments and uncollected non-sufficient fund payments due from non-custodial parents.

Auditors' Opinions

ATG RECEIVED AN UNMODIFIED OPINION that the financial statements were presented fairly, in all material respects, in accordance with generally accepted accounting principles. ATG also received an unmodified opinion on its compliance with major federal programs in accordance with the *Uniform Guidance*.

Findings

THERE WERE NO REPORTED DEFICIENCIES in internal control over financial reporting that were considered to be material weaknesses that are required to be reported under *Government Auditing Standards*. However, the auditors identified one deficiency in internal control over financial reporting that is considered to be a significant deficiency.

- Lack of adequate procedures to ensure that ATG funds were properly encumbered. As a result, ATG over-expended its FY2016 budget by at least \$62,000 and was forced to use its FY2017 appropriation to cover the over-expenditure.

There were no findings that were considered material weaknesses in internal control over compliance in accordance with the *Uniform Guidance*.

Other Matters

- Deficit in the CSEA agency fund balance of approximately \$1.6 million needs to be resolved.

For the complete report and financial statements visit our website at:
http://files.gov/auditor/Reports/2016_Audit/AG2016.pdf

ORIGINAL

DEPT. COMM. NO. 335

Department of the Attorney General

State of Hawaii

**Financial Statements
with Accompanying Information
for the Year Ended June 30, 2016**

and

Independent Auditor's Report

**Submitted by
The Auditor
State of Hawaii**



AKAMINE, OYADOMARI & KOSAKI
CPA'S, INC.



January 23, 2017

The Auditor
State of Hawaii

This is our report on the audit of the financial statements of the Department of the Attorney General, State of Hawaii, for the year ended June 30, 2016. Our audit was performed in accordance with the terms of our contract with the Office of the Auditor, State of Hawaii, and with the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

OBJECTIVES OF THE AUDIT

The primary purpose of our audit was to form an opinion on the fairness of the presentation of the Department of the Attorney General's financial statements for the year ended June 30, 2016, and to comply with the requirements of the Uniform Guidance, which established audit requirements for states, local governments and non-profit organizations that receive federal awards.

More specifically, the objectives of the audit were as follows:

1. To provide a basis for an opinion on the fairness of the presentation of the Department of the Attorney General's financial statements.
2. To determine whether expenditures have been made and all revenues and other receipts to which the Department of the Attorney General is entitled have been collected and accounted for in accordance with the laws, rules, regulations, policies, and procedures of the State of Hawaii and where applicable, the federal government.
3. To ascertain the adequacy of the financial and other management information reports in providing officials at the different levels of the Department of the Attorney General with the proper information to plan, evaluate, control and correct program activities.
4. To determine whether the Department of the Attorney General's internal controls are adequate in assuring that there is effective control over and proper accounting of revenues, expenditures, assets, and liabilities.
5. To ascertain and report on whether the Department of the Attorney General has established sufficient internal controls to properly manage federal programs and to comply with the applicable federal statutes and regulations.

6. To ascertain and report on whether the Department of the Attorney General has complied with the requirements of federal statutes, regulations, and the terms and conditions of federal awards that may have a material effect on the financial statements and on each major federal program.

SCOPE OF THE AUDIT

Our audit was performed in accordance with auditing standards generally accepted in the United States of America, as prescribed by the American Institute of Certified Public Accountants and *Government Auditing Standards*, issued by the Comptroller General of the United States, as they pertain to financial audits. The scope of our audit included a general audit of the financial transactions and accounting records of the Department of the Attorney General for the year ended June 30, 2016. In addition, as part of our determination as to whether the Department of the Attorney General has effective controls over and proper accounting of revenues, receipts, expenditures, disbursements, assets and liabilities we considered the internal control over financial reporting. We also performed tests to determine the Department of the Attorney General's compliance with the fiscal provisions of its grant agreements and applicable laws and regulations.

ORGANIZATION OF THE REPORT

This report is presented in four parts as follows:

- Part I - Financial Section
- Part II - Compliance and Internal Control
- Part III - Findings and Questioned Costs
- Part IV - Response of the Department of the Attorney General, State of Hawaii

We wish to express our sincere appreciation for the excellent cooperation and assistance extended to us by the staff of the Department of the Attorney General.

Sincerely,

Akamine, Oyadomari + Kosaki CPAs, Inc.



**Department of the Attorney General
State of Hawaii
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PART I
FINANCIAL SECTION





Independent Auditor's Report

To the Auditor
Office of the Auditor
State of Hawaii

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Department of the Attorney General, State of Hawaii, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Department of the Attorney General, State of Hawaii's basic financial statements, as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Department of the Attorney General, State of Hawaii, as of June 30, 2016, and the respective changes in financial position thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note A to the financial statements, the financial statements of the Department of the Attorney General, State of Hawaii, are intended to present the financial position, the changes in financial position, and budgetary comparisons of only that portion of the governmental activities, each major fund, and the aggregate remaining fund information of the State that is attributable to the transactions of the Department of the Attorney General. They do not purport to, and do not, present fairly the financial position of the State of Hawaii as of June 30, 2016, and the changes in its financial position and budgetary comparisons for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and budgetary comparison information on pages 8 through 12, and pages 24 to 25, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Department of the Attorney General, State of Hawaii's, basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is not a required part of the basic financial statements.



The schedule of expenditures of federal awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated January 23, 2017 on our consideration of the Department of the Attorney General, State of Hawaii'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 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 Department of the Attorney General, State of Hawaii's, internal control over financial reporting and compliance.

Akamine, Oyadomari + Kosaki CPAs, Inc.

Honolulu, Hawaii

January 23, 2017



Department of the Attorney General

State of Hawaii

Management's Discussion and Analysis

June 30, 2016

The Department of the Attorney General, State of Hawaii (the AG), was created in 1959 by the Hawaii State Government Reorganization Act of 1959 (Act 1, Second Special Session Laws of Hawaii 1959). The primary function of the AG is to provide legal and other services to the State of Hawaii (the State), including agencies, officers, and employees of the Executive, Legislative, and Judicial branches of the State's government.

As management of the AG, we offer readers of these basic financial statements this narrative overview and analysis of the financial activities of the AG for the year ended June 30, 2016. This discussion and analysis is designed to assist the reader in the analysis of the AG's financial statements based on currently known facts, decisions and conditions. We encourage readers to consider the information presented here in conjunction with the basic financial statements.

Financial Highlights

Departmental Financial Statement Highlights

The assets of the AG exceeded its liabilities at June 30, 2016 by \$19,056,163 (net position). Of this amount, \$6,036,811 was invested in capital assets, \$15,607,865 was restricted for specified purposes and there was a deficit of \$2,588,513 in unrestricted net position. The deficit in unrestricted net position is due to vacation liability and legal claims payable which have not yet been funded by the Legislature as of June 30, 2016 and certain 2016 salary and wage liabilities which will be funded by the fiscal 2017 budget.

Program revenues increased by \$268,508 or +0.6% in fiscal 2016 due primarily to increases in charges for services. General revenue support from the State has increased by \$9,074,027 or +23.5% due primarily to increased appropriations for legislative relief claims. Total expenses increased by \$8,966,555 or +11.5% in fiscal 2016 due mainly to payments related to claims against the State. Other financing uses were more favorable in 2016 by \$3,251,860 due to one-time transfers to the State Treasury in fiscal 2015 from certain special revenue funds. As a result, net position increased by \$1,405,571 in fiscal year 2016.

Fund Financial Statement Highlights

At June 30, 2016, the AG's governmental funds reported combined ending fund balances of \$19,295,915, an increase of \$1,130,416 or +6.2% from the prior fiscal year.

Expenditures (actual on a budgetary basis) for the department were \$513,548 or 1.3% above general fund budget (appropriated).

Department of the Attorney General

State of Hawaii

Management's Discussion and Analysis

June 30, 2016

Overview of the Basic Financial Statements

This discussion and analysis are intended to serve as an introduction to the AG's basic financial statements. The AG's basic financial statements consist of three components: (1) departmental financial statements, (2) fund financial statements, and (3) notes to the basic financial statements. This report also contains other supplementary information in addition to the basic financial statements.

Departmental Financial Statements

The departmental financial statements are designed to provide readers with a broad overview of the AG's finances, in a manner similar to a private sector business.

The statement of net position presents information on all of the AG's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the AG is improving or deteriorating.

The statement of activities presents information showing how the AG's net position changed during the most recent fiscal year. Functional activities are highlighted in this statement, with functional expenses shown net of related program revenue. This statement shows the extent to which the various functions depend on state appropriations for support.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The AG uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the AG can be divided into two categories: (1) governmental funds; and (2) agency funds.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the departmental financial statements. However, unlike the departmental financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on the balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the AG's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the departmental financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the departmental financial statements. By doing so, readers may better understand the long-term impact of the AG's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues,

Department of the Attorney General

State of Hawaii

Management's Discussion and Analysis

June 30, 2016

expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities in the departmental financial statements.

The AG maintains five individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the General Fund, Child Support Enforcement, Legal Services, Crime Prevention and Justice Assistance, and Criminal Justice Data Center Funds. The AG adopts an annual appropriated budget for its general fund and special revenue funds. A budgetary comparison statement has been provided for the general fund and special revenue funds to demonstrate compliance with this budget. The budgetary comparison statement is located in the basic financial statements and additional budgetary information on differences is presented in the notes to the basic financial statements.

Agency Funds (Fiduciary Funds)

Agency funds are used to account for resources held for the benefit of parties outside the AG. Agency funds presented separately are not reflected in the governmental fund financial statements because the funds are not available to support the AG's own programs.

The net excess of liabilities over assets of \$1,652,948 in the Statement of Fiduciary Net Position (Liabilities) result from the Child Support Enforcement Services program and are due to uncollected recoupment due from custodial parents resulting from overpayments and uncollected nonsufficient fund (NSF) payments due from non-custodial parents.

Notes to Basic Financial Statements

The notes to basic financial statements provide additional information that is essential to a full understanding of the data provided in the departmental and fund financial statements.

Department of the Attorney General
State of Hawaii
Management's Discussion and Analysis
June 30, 2016

Financial Information

The AG's condensed financial information for the fiscal years 2016 and 2015 include:

Statement of Net Position	2016	2015
Current assets	\$ 32,805,225	\$ 27,107,354
Capital assets, net of accumulated depreciation	8,164,794	8,290,516
Total assets	<u>\$ 40,970,019</u>	<u>\$ 35,397,870</u>
Current liabilities	\$ 17,514,938	\$ 12,911,138
Noncurrent liabilities	4,398,918	4,836,140
Total liabilities	<u>21,913,856</u>	<u>17,747,278</u>
Net position:		
Net investment in capital assets	6,036,811	8,290,516
Restricted	15,607,865	14,257,429
Unrestricted	(2,588,513)	(4,897,353)
Total net position	<u>19,056,163</u>	<u>17,650,592</u>
Total liabilities and net position	<u>\$ 40,970,019</u>	<u>\$ 35,397,870</u>

Department of the Attorney General

State of Hawaii

Management's Discussion and Analysis

June 30, 2016

Changes in Net Position	2016	2015
Program revenues:		
Charges for services	\$ 17,224,014	\$ 17,079,363
Operating grants and contributions	23,479,842	23,355,985
General revenues	47,712,128	38,638,101
Total revenues	88,415,984	79,073,449
Expenses:		
General administrative and legal services	55,563,378	47,232,089
Child support enforcement	18,715,626	19,414,150
Crime prevention and justice assistance	6,129,584	4,906,021
Criminal justice data center	6,486,416	6,376,189
Total expenses	86,895,004	77,928,449
Other financing uses	(115,409)	(3,367,269)
Changes in net position	1,405,571	(2,222,269)
Net position - beginning of year	17,650,592	19,872,861
Net position - end of year	\$ 19,056,163	\$ 17,650,592

Current assets increased by \$5,697,871 principally due to an increase in cash resulting from receipt of a settlement with a public company. Current liabilities increased by \$4,603,800 due mainly to an increase in special revenue funds due to the State of Hawaii.

At June 30, 2016 and 2015, the AG's investment in capital assets, net of accumulated depreciation amounted to \$6,036,811 and \$8,290,516, respectively, representing a decrease of \$2,253,705 or -27.0% principally due to depreciation and payments on capital lease obligations. Capital assets include buildings, improvements, furniture and equipment.

Request for Information

Questions concerning any of the information provided in this report or request for additional financial information should be addressed in writing to the Department of the Attorney General, State of Hawaii, 425 Queen Street, Honolulu, Hawaii 96813 or by email at hawaiiag@hawaii.gov. General information about the AG can be found on the State's website, <http://www.hawaii.gov/ag>.

Department of the Attorney General

State of Hawaii

Statement of Net Position

June 30, 2016

	Governmental Activities	Total
<u>ASSETS:</u>		
Current assets:		
Cash (Note 3)	\$ 29,965,247	\$ 29,965,247
Due from grantor - Federal	1,347,016	1,347,016
Due from other State agencies (Note 7)	1,492,962	1,492,962
Total current assets	32,805,225	32,805,225
Noncurrent assets:		
Capital assets - net of accumulated depreciation (Note 4)	8,164,794	8,164,794
Total noncurrent assets	8,164,794	8,164,794
Total assets	\$ 40,970,019	\$ 40,970,019

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



**Department of the Attorney General
State of Hawaii**

Statement of Net Position (continued)
June 30, 2016

	Governmental Activities	Total
<u>LIABILITIES:</u>		
Current liabilities:		
Vouchers and contracts payable	\$ 2,736,860	\$ 2,736,860
Accrued wages and employee benefits payable	3,365,747	3,365,747
Accrued vacation (Note 5)	3,409,000	3,409,000
Obligation under capital lease (Note 8)	596,628	596,628
Due to State of Hawaii	7,406,703	7,406,703
Total current liabilities	<u>17,514,938</u>	<u>17,514,938</u>
Long-term liabilities:		
Accrued vacation (Note 5)	2,867,563	2,867,563
Obligation under capital lease (Note 8)	1,531,355	1,531,355
Total long-term liabilities	<u>4,398,918</u>	<u>4,398,918</u>
Total liabilities	<u>21,913,856</u>	<u>21,913,856</u>
Commitments and contingencies (Notes 8, 9, 10, and 11)		
<u>NET POSITION:</u>		
Net investment in capital assets	6,036,811	6,036,811
Restricted	15,607,865	15,607,865
Unrestricted	<u>(2,588,513)</u>	<u>(2,588,513)</u>
Total net position	<u>19,056,163</u>	<u>19,056,163</u>
Total liabilities and net position	<u><u>\$ 40,970,019</u></u>	<u><u>\$ 40,970,019</u></u>

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



Department of the Attorney General State of Hawaii

Statement of Activities
for the year ended June 30, 2016

FUNCTIONS/PROGRAMS:	Program Revenues			Net Revenue (Expense) and Changes in Net Position
	Expenses	Charges for Services	Operating Grants and Contributions	
Departmental activities:				
General administrative and legal services (Notes 6 and 7)	\$ 55,563,378	\$ 14,680,380	\$ 1,472,761	\$ (39,410,237)
Child support enforcement	18,715,626	-	14,834,888	(3,880,738)
Crime prevention and justice assistance	6,129,584	-	5,719,849	(409,735)
Criminal justice data center	6,486,416	2,543,634	1,452,344	(2,490,438)
Total departmental activities	<u>\$ 86,895,004</u>	<u>\$ 17,224,014</u>	<u>\$ 23,479,842</u>	<u>\$ (46,191,148)</u>
General revenues - State appropriations, net of lapses appropriations of \$369,929				38,935,630
General revenues for non-imposed employee fringe benefits (Note 6)				<u>8,776,498</u>
Total general revenues before other financing uses				47,712,128
Other financing uses				<u>(115,409)</u>
Total general revenues and other financing uses				<u>47,596,719</u>
Change in net position				1,405,571
Net position - beginning of year				<u>17,650,592</u>
Net position - end of year				<u><u>\$ 19,056,163</u></u>

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



Department of the Attorney General
State of Hawaii
Balance Sheet
Governmental Funds
June 30, 2016

ASSETS:	General Fund	Child Support Enforcement	Legal Services	Crime Prevention and Justice Assistance	Criminal Justice Data Center	Total
Cash (Note 3)	\$ 486,581	\$ 13,587,104	\$ 11,811,463	\$ 2,212,722	\$ 1,867,377	\$ 29,965,247
Due from grantor - Federal	-	605,893	74,081	623,823	43,219	1,347,016
Due from other State agencies (Note 7)	-	-	1,492,962	-	-	1,492,962
Total assets	\$ 486,581	\$ 14,192,997	\$ 13,378,506	\$ 2,836,545	\$ 1,910,596	\$ 32,805,225
LIABILITIES AND FUND BALANCES:						
Liabilities:						
Vouchers and contracts payable	\$ 1,003,540	\$ 948,216	\$ 96,359	\$ 602,746	\$ 85,999	\$ 2,736,860
Accrued wages and employee benefits payable	1,437,230	605,893	1,160,062	27,590	134,972	3,365,747
Due to State of Hawaii	25,400	-	7,381,303	-	-	7,406,703
Total liabilities	2,466,170	1,554,109	8,637,724	630,336	220,971	13,509,310
Fund balances (Note 14):						
Restricted	-	12,638,888	574,451	2,206,209	188,317	15,607,865
Committed	-	-	4,166,331	-	1,501,308	5,667,639
Assigned	308,310	-	-	-	-	308,310
Unassigned	(2,287,899)	-	-	-	-	(2,287,899)
Total fund balances	(1,979,589)	12,638,888	4,740,782	2,206,209	1,689,625	19,295,915
Total liabilities and fund balances	\$ 486,581	\$ 14,192,997	\$ 13,378,506	\$ 2,836,545	\$ 1,910,596	\$ 32,805,225

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



Department of the Attorney General **State of Hawaii**

Statement of Revenues, Expenditures, and Changes in Fund Balances Governmental Funds for the year ended June 30, 2016

	General Fund	Child Support Enforcement	Legal Services	Crime Prevention and Justice Assistance	Criminal Justice Data Center	Total
Revenues:						
State allotted appropriations	\$ 39,305,559	\$ -	\$ -	\$ -	\$ -	\$ 39,305,559
State revenue for non-imposed employee fringe benefits (Note 6)	8,776,498	-	-	-	-	8,776,498
Fees and other	-	33,444	2,116,305	30,812	2,543,634	4,724,195
Intergovernmental	-	-	1,122,761	5,689,037	1,452,344	8,264,142
Special fund revenues (Note 7)	-	14,031,212	12,564,075	-	-	26,595,287
Share of TANF collections	-	770,232	-	-	-	770,232
Litigation settlements	-	-	350,000	-	-	350,000
Total revenues	<u>48,082,057</u>	<u>14,834,888</u>	<u>16,153,141</u>	<u>5,719,849</u>	<u>3,995,978</u>	<u>88,785,913</u>
Expenditures:						
General administrative and legal services (Note 6)	39,492,970	-	15,691,543	-	-	55,184,513
Child support enforcement	5,650,424	13,071,247	-	-	-	18,721,671
Crime prevention and justice assistance	-	-	-	5,938,847	-	5,938,847
Criminal justice data center	2,493,647	-	-	-	4,239,457	6,733,104
Total expenditures	<u>47,637,041</u>	<u>13,071,247</u>	<u>15,691,543</u>	<u>5,938,847</u>	<u>4,239,457</u>	<u>86,578,135</u>
Excess (deficiency) of revenues over (under) expenditures	<u>445,016</u>	<u>1,763,641</u>	<u>461,598</u>	<u>(218,998)</u>	<u>(243,479)</u>	<u>2,207,778</u>
Other financing sources (uses)						
Lapsed appropriations	(369,929)	-	-	-	-	(369,929)
Other	237,953	-	(945,386)	(200,952)	200,952	(707,433)
Total other financing sources (uses)	<u>(131,976)</u>	<u>-</u>	<u>(945,386)</u>	<u>(200,952)</u>	<u>200,952</u>	<u>(1,077,362)</u>
Net change in fund balances	<u>313,040</u>	<u>1,763,641</u>	<u>(483,788)</u>	<u>(419,950)</u>	<u>(42,527)</u>	<u>1,130,416</u>
Fund balances - beginning of year	<u>(2,292,629)</u>	<u>10,875,247</u>	<u>5,224,570</u>	<u>2,626,159</u>	<u>1,732,152</u>	<u>18,165,499</u>
Fund balances - end of year	<u>\$ (1,979,589)</u>	<u>\$ 12,638,888</u>	<u>\$ 4,740,782</u>	<u>\$ 2,206,209</u>	<u>\$ 1,689,625</u>	<u>\$ 19,295,915</u>

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



Department of the Attorney General **State of Hawaii**

Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position
June 30, 2016

	Total Governmental Funds	Long-Term Assets, Liabilities	Reclassifications and Eliminations	Statement of Net Position
ASSETS:				
Current assets:				
Cash	\$ 29,965,247	\$ -	\$ -	\$ 29,965,247
Due from grantor - Federal	1,347,016	-	-	1,347,016
Due from other State agencies	1,492,962	-	-	1,492,962
Total current assets	<u>32,805,225</u>	<u>-</u>	<u>-</u>	<u>32,805,225</u>
Noncurrent assets:				
Capital assets net of accumulated depreciation	-	8,164,794 (1)	-	8,164,794
Total noncurrent assets	<u>-</u>	<u>8,164,794</u>	<u>-</u>	<u>8,164,794</u>
Total assets	<u>\$ 32,805,225</u>	<u>\$ 8,164,794</u>	<u>\$ -</u>	<u>\$ 40,970,019</u>

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



Department of the Attorney General State of Hawaii

Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position (continued) June 30, 2016

	Total Governmental Funds	Long-Term Assets, Liabilities	Reclassifications and Eliminations	Statement of Net Position
LIABILITIES:				
Current liabilities:				
Vouchers and contracts payable	\$ 2,736,860	\$ -	\$ -	\$ 2,736,860
Accrued wages and employee benefits payable	3,365,747	-	-	3,365,747
Accrued vacation	-	3,409,000 (2)	-	3,409,000
Obligation under capital lease	-	596,628 (3)	-	596,628
Due to State of Hawaii	7,406,703	-	-	7,406,703
Total current liabilities	13,509,310	4,005,628	-	17,514,938
Long-term liabilities:				
Accrued vacation	-	2,867,563 (2)	-	2,867,563
Obligation under capital lease	-	1,531,355 (3)	-	1,531,355
Total long-term liabilities	-	4,398,918	-	4,398,918
Total liabilities	13,509,310	8,404,546	-	21,913,856
FUND BALANCES/NET POSITION:				
Net investment in capital assets	-	8,164,794 (1) (2,127,983) (3)	-	6,036,811
Restricted	-	-	15,607,865 (4)	15,607,865
Unrestricted	-	(6,276,563) (2)	3,688,050 (4)	(2,588,513)
Restricted	15,607,865	-	(15,607,865) (4)	-
Committed	5,667,639	-	(5,667,639) (4)	-
Assigned	308,310	-	(308,310) (4)	-
Unassigned	(2,287,899)	-	2,287,899 (4)	-
Total fund balances/net position	19,295,915	(239,752)	-	19,056,163
Total liabilities and fund balances/net position	\$ 32,805,225	\$ 8,164,794	\$ -	\$ 40,970,019

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



Department of the Attorney General
State of Hawaii

Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position (continued)
June 30, 2016

Total fund balances - governmental funds \$ 19,295,915

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

- (1) Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds. These assets consist of:

Buildings and improvements	\$ 12,210,091
Office, furniture, and equipment	9,145,547
Accumulated depreciation	<u>(13,190,844)</u>

Total capital assets 8,164,794

- (2) Accrued vacation is not reported in the governmental funds.

Due within one year	\$ (3,409,000)
Due in more than one year	<u>(2,867,563)</u>

Total accrued vacation (6,276,563)

- (3) The obligation under capital lease is not reported in the governmental funds.

Due within one year	\$ (596,628)
Due in more than one year	<u>(1,531,355)</u>

Total obligation under capital lease (2,127,983)

- (4) Reclassify fund balances to net position

-

Total net position \$ 19,056,163



Department of the Attorney General

State of Hawaii

Reconciliation of the Governmental Funds Statement of Revenues, Expenditures, and Changes in Fund Balances to the Statement of Activities for the year ended June 30, 2016

	Total Governmental Funds	Long-Term Assets, Liabilities	Reclassifications and Eliminations	Statement of Activities
Revenues:				
State allotted appropriations	\$ 39,305,559	\$ -	\$ (369,929) (4)	\$ 38,935,630
State revenue for non-imposed employee fringe benefits	8,776,498	-	-	8,776,498
Fees and other	4,724,195	-	(4,724,195) (5)	-
Intergovernmental	8,264,142	-	(8,264,142) (5)	-
Special fund revenues	26,595,287	-	(26,595,287) (5)	-
Share of TANF collections	770,232	-	(770,232) (5)	-
Litigation settlements	350,000	-	(350,000) (5)	-
Charges for services	-	-	17,224,014 (5)	17,224,014
Operating grants and contributions	-	-	23,479,842 (5)	23,479,842
TOTAL REVENUES	88,785,913	-	(369,929)	88,415,984
Expenditures:				
General administrative and legal services	55,184,513	182,085 (1) 196,780 (2)	-	55,563,378
Child support enforcement	18,721,671	35,928 (1) (41,973) (2)	-	18,715,626
Crime prevention and justice assistance	5,938,847	184,478 (1) 6,259 (2)	-	6,129,584
Criminal justice data center	6,733,104	315,255 (1) 25,794 (2) (587,737) (3)	-	6,486,416
TOTAL EXPENDITURES	86,578,135	316,869	-	86,895,004
Excess (deficiency) of revenues over (under) expenditures	2,207,778	(316,869)	(369,929)	1,520,980
Other financing sources (uses)				
Lapsed appropriations	(369,929)	-	369,929 (4)	-
Other	(707,433)	592,024 (1)	-	(115,409)
Total other financing sources (uses)	(1,077,362)	592,024	369,929	(115,409)
Net change in fund balances/net position	\$ 1,130,416	\$ 275,155	\$ -	\$ 1,405,571

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



Department of the Attorney General
State of Hawaii

Reconciliation of the Governmental Funds Statement of Revenues, Expenditures, and
Changes in Fund Balances to the Statement of Activities (continued)
for the year ended June 30, 2016

Net change in fund balances - governmental funds	\$ 1,130,416
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Amounts reported for governmental activities in the statement of activities are different because:

- (1) Capital outlays are reported as expenditures in governmental funds, however in the statement of activities, the cost of capital assets is allocated over their estimated useful lives as depreciation expense. In the fiscal year 2016, these transactions were:

Capital outlays and equipment purchases	\$ 898,952	
Depreciation expense	<u>(1,024,674)</u>	(125,722)

- | | |
|---|-----------|
| (2) The increase in accrued vacation is not reported in governmental funds. | (186,860) |
|---|-----------|

- | | |
|---|---------|
| (3) The decrease in the obligation under capital lease is not reported in governmental funds. | 587,737 |
|---|---------|

- | | |
|---|---|
| (4) Lapsed appropriations are netted against appropriations in the statement of activities. | - |
|---|---|

- | | |
|----------------------------------|----------|
| (5) Reclassification of revenues | <u>-</u> |
|----------------------------------|----------|

Change in net position	<u><u>\$ 1,405,571</u></u>
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Department of the Attorney General **State of Hawaii**

Statement of Revenues and Expenditures - Budget and Actual
General Fund
for the year ended June 30, 2016

	<u>Budgeted Amounts</u>		<u>Actual (Budgetary Basis)</u>	<u>Variance with Final Budget-Favorable (Unfavorable)</u>
	<u>Original</u>	<u>Final</u>		
Appropriations	\$ 39,298,837	\$ 39,298,837	\$ 39,305,559	\$ 6,722
Expenditures:				
General administrative and legal services (Note 10)	32,920,690	32,920,690	32,732,221	188,469
Child support enforcement	4,369,352	4,369,352	4,205,165	164,187
Criminal justice data center	2,008,795	2,008,795	1,854,625	154,170
	<u>39,298,837</u>	<u>39,298,837</u>	<u>38,792,011</u>	<u>506,826</u>
Excess of appropriations over expenditures	\$ -	\$ -	\$ 513,548	\$ 513,548

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



Department of the Attorney General State of Hawaii

Statement of Revenues and Expenditures - Budget and Actual
Special Funds
for the year ended June 30, 2016

	Budgeted Amounts		Actual (Budgetary Basis)	Variance with Final Budget-Favorable (Unfavorable)
	Original	Final		
<u>Child Support Enforcement</u>				
Revenues	\$ 18,426,051	\$ 18,426,051	\$ 14,834,888	\$ (3,591,163)
Expenditures	18,426,051	18,426,051	12,960,771	5,465,280
Excess of revenues over expenditures	\$ -	\$ -	\$ 1,874,117	\$ 1,874,117
<u>Legal Services</u>				
Revenues	\$ 17,484,820	\$ 17,484,820	\$ 16,153,141	\$ (1,331,679)
Expenditures	17,484,820	17,484,820	15,586,016	1,898,804
Excess of revenues over expenditures	\$ -	\$ -	\$ 567,125	\$ 567,125
<u>Crime Prevention and Justice Assistance</u>				
Revenue	\$ 7,656,987	\$ 7,656,987	\$ 5,719,849	\$ (1,937,138)
Expenditures	7,656,987	7,656,987	5,931,047	1,725,940
Excess of expenditures over revenues	\$ -	\$ -	\$ (211,198)	\$ (211,198)
<u>Criminal Justice Data Center</u>				
Revenue	\$ 4,030,242	\$ 4,030,242	\$ 3,995,978	\$ (34,264)
Expenditures	4,030,242	4,030,242	4,328,069	(297,827)
Excess of expenditures over revenues	\$ -	\$ -	\$ (332,091)	\$ (332,091)

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



Department of the Attorney General

State of Hawaii

Statement of Fiduciary Net Position

June 30, 2016

	<u>Agency Funds</u>
ASSETS:	
Cash (Note 3)	<u>\$ 10,773,988</u>
Total assets	<u>10,773,988</u>
LIABILITIES:	
Due to agency recipients	<u>12,426,936</u>
Total liabilities	<u>12,426,936</u>
NET POSITION (Note 15)	<u><u>\$ (1,652,948)</u></u>

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



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

1. Summary of Significant Accounting Policies

The Department of the Attorney General of the State of Hawaii (AG) administers and renders legal services, including furnishing written legal opinions to the Governor, State Legislature, and such state departments and offices as the Governor may direct; represents the State of Hawaii (State) in all civil actions in which the State is a party; approves as to legality and form all documents relating to the acquisition of any land or interest in land by the State; and unless otherwise provided by law, prosecutes cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State.

The AG's financial statements are prepared in accordance with accounting principles generally accepted in the United States of America (GAAP). The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). Governments are also required to follow the pronouncements of the Financial Accounting Standards Board (FASB) issued through November 30, 1989 (when applicable) that do not conflict with or contradict GASB pronouncements. The more significant accounting policies established in GAAP and used by the AG are discussed below.

Financial Reporting Entity

The AG is part of the Executive Branch of the State of Hawaii. The AG's financial statements reflect only its portion of the activities attributable to the AG. The State Comptroller maintains the central accounts for all State funds and publishes financial statements for the State annually which includes the AG's financial activities.

The accompanying financial statements reflect the financial position and changes in financial position of the following divisions of the AG:

Administrative Services Office – This office provides fiscal, personnel, data processing, library, messenger, reception, and other support services to the department and its operating divisions.

Office of Child Support Hearings (OCSH) – The Office of Child Support Hearings is an office funded with State and Federal funds that provides a fair and impartial forum for expeditious resolution of child support disputes. Once a part of the Child Support Enforcement Agency, the office has been a separate office of the AG since 1992. The office has concurrent jurisdiction with the court in proceedings in which a support obligation is established, modified, or terminated. Attorney hearings officers issue orders establishing, modifying, terminating, and enforcing child support obligations.

Child Support Enforcement Agency (CSEA) – The Child Support Enforcement Agency provides assistance to children by locating parents, establishing paternity and support obligations (both financial and medical), and enforcing those obligations.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Hawaii Criminal Justice Data Center – The Hawaii Criminal Justice Data Center is responsible for the statewide Criminal Justice Information System (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), and the statewide sex offender registry.

Investigations Division – The Investigations Division conducts investigations in support of the department's civil, criminal, and administrative cases. These investigations involve such areas as homeland security; internet crimes against children; high technology computer crimes; drug nuisance abatement; environmental crimes; tobacco tax enforcement; airport, harbors, and highways; cold homicide cases; and other criminal and civil matters.

Crime Prevention and Justice Assistance Division – The Crime Prevention and Justice Assistance Division serves as a central point for obtaining, disseminating, and maintaining information regarding available financial (Federal and State funds) and non-financial resources to assist in improving the coordination of programs of the criminal justice and juvenile justice systems and agencies. It administers grants, provides training and technical assistance, engages in multi-agency and statewide planning efforts, conducts crime prevention programs, researches and analyzes crime issues, develops and maintains a computerized juvenile offender information system, and assists in locating, recovering, and reuniting missing children and runaways with their families.

Legal Services –

- **Administration Division:** The Administration Division is principally responsible for commercial-related and financial-related legal issues. The division provides legal advice and litigation support to various departments and offices, including the Office of the Governor; the Office of the Lieutenant Governor; the Department of Accounting and General Services (including the State Foundation on Culture and the Arts, the Stadium Authority, and the State Procurement Office); the Department of Budget and Finance (including advice regarding bond matters and advice to the Employees' Retirement System, the Employer-Union Health Benefits Trust Fund, and the Office of the Public Defender); the Judiciary (including the Commission of Judicial Conduct, the Office of Disciplinary Counsel, the Judiciary Personnel Appeals Board, the Judicial Selection Commission; general consultation with and advice to the staff attorney's office, and representation of judges in writs and civil lawsuits); the Hawaii State Land Use Commission; the Hawaii State Commission on the Status of Women; the Campaign Spending Commission; and the Office of Elections.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Legal Services (continued) –

- **Civil Recoveries Division:** This division systematically recovers and collects monies ranging from accounts receivable, dishonored checks, delinquent loans, salary and benefit overpayments, complex delinquent child support cases, civil judgments, delinquent patient accounts, property damage claims, lease rents, construction litigation, contract disputes and miscellaneous fees owed to the State and its agencies. In addition, it represents the State in major contract or construction disputes.
- **Civil Rights Litigation:** This division provides legal defense to all State departments and agencies that are sued for monetary damages in cases that may involve an element of personal injury, but primarily arise from allegations of constitutional/civil rights violations.
- **Commerce and Economic Development Division:** The Commerce and Economic Development Division provides legal services and litigation support to the Department of Commerce and Consumer Affairs (including the Professional and Vocational Licensing Boards), the Department of Business, Economic Development, and Tourism (including the Aloha Tower Development Corporation, the Hawaii Strategic Development Corporation, the Hawaii Tourism Authority, the High Technology Development Corporation, and the Natural Energy Laboratory of Hawaii Authority), and the Department of Agriculture (including the Agribusiness Development Corporation). The division also enforces the antitrust laws, administers the laws providing for the commissioning of notaries public, and provides legal services to the Board of Trustees of the State's Deferred Compensation Plan and to other state agencies involved in administering tax deferral programs.
- **Commission to Promote Uniform Legislation:** This commission was placed in the AG to provide advice on matters relating to the promotion of uniform legislation in accordance with HRS Chapter 3 (Uniformity of Legislation) and Section 26-7. The commission consists of five members appointed by the Governor and confirmed by the State Senate, who serve without compensation for a term of four years.
- **Criminal Justice Division:** The Criminal Justice Division performs prosecutorial functions on behalf of the State in areas such as welfare fraud, tax fraud, unemployment fraud, unauthorized practice of law, and public corruption. The division is also responsible for prosecuting Internet crimes against children, high technology crimes, Medicaid fraud and elder abuse, violations of State tobacco laws, drug nuisance, environmental crimes, cold homicide cases, and conflict cases from the four county prosecutor's offices.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Legal Services (continued) –

- **Education Division:** The Education Division principally provides legal advice and support to the Department of Education and the Board of Education. Other clients include the Charter School Administrative Office and the Charter Schools; the Hawaii Teacher Standards Board; the Research Corporation of the University of Hawaii; and the Hawaii State Public Library System.
- **Employment Law Division:** The Employment Law Division provides legal representation and advice to the Department of Human Resources Development and to all State departments and agencies on employment-related issues. The division represents all State employers in mandatory arbitration hearings, administrative agency hearings, and civil litigation involving disputes over employment matters with the State's employees.
- **Family Law Division:** The Family Law Division handles all State litigation under the jurisdiction of Family Court, such as child and adult protection, guardianships, truancy, adolescent mental health cases, and involuntary civil mental commitment hearings. Clients include the Department of Health, the Department of Human Services, the Department of Education, and the Office of the Public Guardian. The division also provides support to the Child Support Enforcement Agency.
- **Health and Human Services Division:** The Health and Human Services Division provides the principal legal services and support to the Department of Health and the Department of Human Services. The division enforces the State's environmental laws, provides legal advice to all Department of Health and Department of Human Services programs, takes appeals to circuit court from administrative decisions, defends actions against the State in both State and Federal court, and handles some appeals in both the State and Federal appellate systems.
- **Labor Division:** The Labor Division provides legal services and litigation support to the Department of Labor and Industrial Relations and boards and agencies administratively attached to that department, including the State Fire Council. In connection with its enforcement of the various labor laws, the division also collects penalties, fines, and reimbursements.
- **Land/Transportation Division:** The Land/Transportation Division provides legal services to both the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT). These assignments include servicing all divisions of the DLNR (Aquatic Resources, Boating, Conservation and Resources Enforcement, Forestry and Wildlife, Land, State Historic Preservation, State Parks, and Water Resource Management) and the DOT (Airports, Harbors, and Highways). The division also provides services to the following attached commissions, boards, or agencies:



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Legal Services (continued) –

Kaho’olawe Island Reserve Commission, Natural Area Reserves System Commission, Bureau of Conveyances, the four island Burial Councils, Hawaii Historic Places Review Board, Hawaii Invasive Species Council, Commission on Transportation, State Highway Safety Council, and Medical Advisory Board. Most tort litigation involving the DLNR or the DOT is handled by another division, but the Land/Transportation Division handles a number of cases involving the State as a landlord and as a source of permits or as regulator. The division is responsible for all quiet title actions involving the State and virtually all State eminent domain actions, the bulk of which are done on behalf of the State highways program. The division prepares land disposition documents for the DLNR and the DOT and prepares office leases for the Department of Accounting and General Services when State agencies rent private property as tenants. The division reviews for legality its clients’ contracts and administrative rules. The litigation that the division handles includes enforcement actions for violations of the State Historic Preservation law and the law governing land use in conservation districts and actions for damage to natural resources of the State. The division works on the DOT’s complex construction cases.

- **Legislative Division:** The Legislative Division provides legal services on matters pertaining to legislation and to proposed administrative rules. The division coordinates the preparation and review of all legislative bills proposed by the executive branch agencies and coordinates the review, monitoring, and evaluation of all legislative bills during and after each session of the Legislature. In addition, the division coordinates, monitors, and reviews the preparation of administrative rules of the Department of the Attorney General. This division also performs the final review of the formal opinions issued by the Attorney General and performs the initial review of complaints involving the Sunshine Law.
- **Public Safety, Hawaiian Home Lands, and Housing Division:** The Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and support to the Department of Public Safety, the Department of Hawaiian Home Lands, the Hawaii Public Housing Authority, and the Hawaii Community Development Agency. The division is responsible for reviewing pardon applications and extradition documents, and responding to petitions for release from inmates under Rule 40 of the Hawaii Rules of Penal Procedure.
- **Tax and Charities Division:** The Tax Division provides legal representation and advice to the Department of Taxation and other State departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division includes an informal bankruptcy unit devoted to handling all bankruptcy cases for the Department of Taxation, and occasionally assists other agencies in bankruptcy matters. The division represents the Attorney General in the oversight and enforcement of laws pertaining to charitable trusts, public charities, public benefit corporations, and



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Legal Services (continued) –

private foundations. The division is also responsible for the department's registration and bonding function for professional solicitors and professional fundraising counsels under HRS Chapter 467B, and enforcement of the State's charitable solicitation laws. The division is the custodian of certifications by charities that issue charitable gift annuities under HRS § 431:204(b).

- **Tort Litigation Division:** The Tort Litigation Division provides legal defense to personal injury lawsuits and claims made against the State and its departments and agencies. The division does not have primary responsibility for giving advice and counsel to any State department or agency, to provide representation in criminal matters, or to collect monies owed to the State. In general, the services provided by the division include accepting service of legal complaints for the Attorney General, answering legal complaints made against State departments and agencies, investigating claims, conducting discovery on claims, and representing State interests in arbitrations, mediations, and trials.

Basis of Presentation – Fund Accounting

The accounting system is organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The AG's general and special revenue funds are grouped into one broad fund category for financial statement presentation purposes - the Governmental Fund (Fund). The AG also has four fiduciary agency funds.

Basis of Accounting

Departmental Financial Statements

The departmental financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the non-fiduciary activities of the department.

The departmental statements are prepared using the economic resources measurement focus and the accrual basis of accounting. This approach differs from the manner in which governmental fund financial statements are prepared. Governmental fund financial statements include reconciliations with brief explanations to better identify the relationship between the departmental financial statements and the financial statements for governmental funds. The primary effect of internal activity has been eliminated from the departmental financial statements.



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

1. Summary of Significant Accounting Policies (continued)

The departmental Statement of Activities presents a comparison between expenses, both direct and indirect, and program revenues for each governmental program. Direct expenses are those that are specifically associated with a service or program and are therefore clearly identifiable to a particular function. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or segment is self-financing or draws from the general revenues of the State.

Net position on the departmental financial statements are reported as restricted when constraints placed on net position use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments, or imposed by law through constitutional provisions or enabling legislation. There was no net position restricted by enabling legislation at June 30, 2016.

Separate financial statements are provided for governmental funds and fiduciary funds, even though the latter are excluded from the departmental financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements.

Fund Financial Statements

Fund financial statements report detailed information about the AG. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Each major fund is presented in a separate column.

Governmental Funds

All governmental funds are accounted for using the modified accrual basis of accounting and the current financial resources measurement focus.

The following is a description of the governmental funds of the AG:

- General Fund – This is the AG’s primary operating fund. It is used to account for all financial resources except those required to be accounted for in another fund.
- Special Funds – These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

When both restricted and unrestricted resources are available for use, it is the AG’s policy to use restricted resources first, followed by unrestricted resources as they are needed. When expenditures are incurred for purposes for which any of the unrestricted fund balances can be used, it is the AG’s policy to use committed funds first followed by assigned funds before unassigned funds are used.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Revenue Recognition

The governmental financial statements are prepared using the modified accrual basis of accounting. Revenues and related current assets are recognized in the accounting period when they become both measurable and available to finance operations of the fiscal year or liquidate liabilities existing at fiscal year-end. Measureable means that the amount of the transactions can be determined. Available means that the amount is collected in the current fiscal year or soon enough after fiscal year-end (60 days) to liquidate liabilities existing at the end of the fiscal year.

The departmental financial statements are prepared using the accrual basis of accounting.

Expenditure Recognition

The measurement focus of governmental fund accounting is on decreases in net financial resources (expenditures) rather than expenses. Most expenditures are measurable and recorded when the related fund liability is incurred. Allocations of costs, such as depreciation and amortization, are not recognized in the governmental funds.

Agency Funds

The AG has four agency funds. These funds are purely custodial and thus do not have a measurement focus. Agency funds use the accrual basis of accounting to recognize receivables and payables, and report only assets and liabilities.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Capital Assets

The accounting and reporting treatment applied to the capital assets associated with a fund are determined by its measurement focus. In accordance with the State's "New Statewide Capitalization Policy" (Policy), furniture and equipment purchased or acquired with a cost greater than \$5,000 and building with a cost greater than \$100,000, are capitalized at historical cost or estimated historical cost, and depreciated using the straight-line method over their estimated useful lives. Contributed assets are reported at fair market value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred.



Department of the Attorney General

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Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

In accordance with the Policy, the AG provides for depreciation using estimated useful lives as follows:

	<u>Estimated Useful Lives</u>
Buildings and improvements	30 years
Office furniture and equipment	7 years

Departments of the State sharing the same building and improvements report their allocated share of the cost as determined by the State's Department of Accounting and General Services (DAGS).

Appropriations

Appropriations are an authorization granted by the State Legislature permitting a State agency, within established fiscal and budgetary controls, to incur obligations and to make expenditures. Appropriations are allotted quarterly. The allotted appropriations lapse if not expended by or encumbered at the end of the fiscal year or as specified in the enacted legislation.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in the governmental fund types. Encumbrances outstanding at fiscal year end are included in fund balances since they do not constitute expenditures or liabilities.

Accumulated Vacation and Sick Leave

Employees' vested annual vacation and sick leave are recorded as expenditures on the governmental fund financial statements when actually taken. The employees of the AG are entitled to receive cash payment for accumulated vacation leave upon termination. The liability for such accumulated vacation leave pay is maintained separately and recorded only in the departmental financial statements and represents a reconciling item between the governmental funds and departmental financial statement presentations.

Intrafund and Interfund Transactions

Significant transfers of financial resources between activities included within the same fund are offset within that fund. Transfers of revenues from funds authorized to receive them to funds authorized to expend them have been recorded as operating transfers in the financial statements. Other interfund activities, such as loans, are reported as interfund receivables and payables as appropriate and are subject to elimination in the departmental financial statements.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Grants

All Federal awards are reimbursement-type grants and are recorded as intergovernmental receivables and revenues when the related expenditures or expenses are incurred and funds are available.

Risk Management

The AG is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors or omissions; natural disasters; and injuries to employees. A liability for a claim for a risk of loss is established if information indicates that it is probable that a liability has been incurred at the date of the financial statements and the amount of loss is reasonably estimable.

Fund Balances

The governmental fund financial statement reports fund balances as follows:

- a. Nonspendable – Represents amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
- b. Restricted – Represents amounts that are restricted to specific purposes due to constraints placed on the use of resources that are either:
 - a) Externally imposed by creditors, grantors, contributors, or laws or regulations of other governments; or
 - b) Imposed by law through constitutional provisions or enabling legislation.
- c. Committed – Represents amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the State Legislature. Unlike restricted amounts, committed amounts may be redeployed for other purposes by the State Legislature.
- d. Assigned – Represents amounts that are neither restricted nor committed but are constrained by management as to use by the government's intent to use the monies for specific purposes.
- e. Unassigned – Represents the residual classification of the general fund that has not been assigned to other funds and that has not been restricted, committed, or assigned.

At June 30, 2016, the Department of the Attorney General did not have any fund balances that were classified as nonspendable.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

1. Summary of Significant Accounting Policies (continued)

Leases

Leases that transfer substantially all of the risks and benefits of ownership to the lessee are accounted for as capital leases and recorded as an acquisition of an asset and liability.

All other leases are accounted for as operating leases.

Due To State of Hawaii

The AG receives payments for legal settlements on behalf of the State of Hawaii. The undistributed balance of settlements at fiscal year-end are recorded as Due to State of Hawaii. At June 30, 2016, the AG had legal settlements included in Due to State of Hawaii amounting to approximately \$4,736,000.

2. Compliance and Accountability

Budget Requirements, Accounting and Reporting

Revenue estimates are provided to the State Legislature at the time of budget consideration and are revised and updated periodically during the fiscal year. Budgeted expenditures are derived primarily from acts of the State Legislature and from other authorizations contained in other specific appropriation acts in various Session Laws of the State of Hawaii.

To the extent not expended or encumbered, general fund appropriations generally lapse at the end of the fiscal year for which the appropriations were made. The State Legislature specifies the lapse date and any other particular conditions relating to terminating the authorization for other appropriations. During 2016, the AG expended approximately \$62,000 in excess of a general fund appropriation. This amount was included in the vouchers payable balance at June 30, 2016.

Summarization of the budgets adopted by the State Legislature for the general and special revenue funds is presented in the Statements of Revenues and Expenditures – Budget and Actual. For purposes of budgeting, the AG's budgetary fund structure and accounting principles differ from those utilized to present the financial statements in conformity with generally accepted accounting principles (GAAP). The AG's annual budget is prepared on the modified accrual basis of accounting with several differences, principally related to (1) the encumbrance of purchase orders and contract obligations, and (2) the budgeting of salaries and wages.



Department of the Attorney General State of Hawaii

Notes to Financial Statements
June 30, 2016

2. Compliance and Accountability (continued)

An explanation of the differences between budgetary inflows and outflows and revenues and expenditures determined in accordance with GAAP are as follows:

	General Fund	Child Support Enforcement	Legal Services	Crime Prevention and Justice Assistance	Criminal Justice Data Center	Total
Excess (deficiency) of revenues over (under) expenditures - actual on a budgetary basis	\$ 513,548	\$ 1,874,117	\$ 567,125	\$ (211,198)	\$ (332,091)	\$ 2,411,501
Reserve for encumbrances at June 30, 2016	295,153	52,790	776,966	-	820,057	1,944,966
Reserve for encumbrances at June 30, 2015	(274,528)	(117,174)	(769,067)	-	(729,665)	(1,890,434)
Fiscal 2016 salaries and wages funded by fiscal 2017 budget	(1,437,230)	(605,893)	(1,160,062)	(27,590)	(134,972)	(3,365,747)
Fiscal 2015 salaries and wages funded by fiscal 2016 budget	1,348,073	559,801	1,046,636	19,790	133,192	3,107,492
Excess (deficiency) of revenues over (under) expenditures - GAAP basis	\$ 445,016	\$ 1,763,641	\$ 461,598	\$ (218,998)	\$ (243,479)	\$ 2,207,778



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

3. Cash

AG's cash at June 30, 2016 consisted of the following:

	<u>Governmental Funds</u>	<u>Agency Funds</u>
Cash in State Treasury	\$ 17,556,042	\$ 607,918
Cash held outside of State Treasury	<u>12,409,205</u>	<u>10,166,070</u>
	<u>\$ 29,965,247</u>	<u>\$ 10,773,988</u>

The AG's cash held in State Treasury is pooled with cash from other State agencies and departments. Cash that is not required for immediate payments is invested by the Department of Budget and Finance, State of Hawaii. Cash accounts that participate in the investment pool accrue interest based on average weighted cash balances.

Detailed information relating to cash and investments held in the State Treasury and related insurance, collateral and risks relating to interest rate, credit, custodial and concentration are further described in the State of Hawaii Comprehensive Annual Financial Report (CAFR).

The AG also maintains certain funds in two non-interest bearing accounts in a Hawaii bank which are held separately from the State Treasury. One bank account is used primarily for CSEA agency transactions. As of June 30, 2016, the carrying amount of this account was \$10,166,070 and was reflected in "Cash" of the Agency Fund's Statement of Fiduciary Net Position.

The second bank account, opened in fiscal year 2003, is used solely to account for the Federal share of child support payment collections retained by CSEA under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the Temporary Assistance for Needy Families (TANF) program. As the use of these funds is for CSEA's benefit, this account is reflected in "Cash" of the Governmental Fund Balance Sheet under the special fund for Child Support Enforcement. As of June 30, 2016, the carrying amount of this bank account was \$12,409,205.

With respect to the cash held outside the State Treasury, the Federal Deposit Insurance Corporation provided insurance coverage limited to \$250,000 per depositor. At June 30, 2016, the uninsured amount totaled approximately \$25,491,000.



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

4. Capital Assets and Depreciation

Capital assets activity for the year ended June 30, 2016 was as follows:

	Beginning Balance	Additions	Transfers and Other	Ending Balance
Capital assets, being depreciated -				
Building and improvements				
Cost	\$ 11,614,919	\$ 595,172	\$ -	\$ 12,210,091
Accumulated depreciation	(8,363,588)	(369,772)	-	(8,733,360)
Building and improvements - net	3,251,331	225,400	-	3,476,731
Office furniture and equipment				
Cost	8,748,368	303,780	93,399	9,145,547
Accumulated depreciation	(3,709,183)	(654,902)	(93,399)	(4,457,484)
Office furniture and equipment - net	5,039,185	(351,122)	-	4,688,063
Capital assets - net	<u>\$ 8,290,516</u>	<u>\$ (125,722)</u>	<u>\$ -</u>	<u>\$ 8,164,794</u>

Depreciation expense was charged to functions of the AG in the statement of activities as follows:

Governmental activities:

General administrative and legal services	\$ 252,735
Crime prevention and justice assistance	184,478
Criminal justice data center	347,791
Child support enforcement	239,670
Total governmental activities depreciation expense	<u>\$ 1,024,674</u>

5. Accrued Vacation

Effective July 1, 2004, eligible employees are credited with vacation at a rate of 168 hours per calendar year. Accumulation of such vacation credits is limited to 720 hours at calendar year-end. The departmental financial statements present the cost of accumulated vacation leave as a liability. Liabilities for vacation pay are inventoried at the end of each accounting period and adjusted to current salary levels.



**Department of the Attorney General
State of Hawaii**

Notes to Financial Statements
June 30, 2016

5. Accrued Vacation (continued)

For the year ended June 30, 2016, changes in accrued vacation liabilities were as follows:

Balance at July 1, 2015	\$ 6,089,703
Net increase	<u>186,860</u>
Balance at June 30, 2016	6,276,563
Less: current portion	<u>3,409,000</u>
Non-current portion	<u><u>\$ 2,867,563</u></u>

6. Non-Imposed Employee Fringe Benefits

Payroll fringe benefit costs of the AG's employees funded by State appropriations (general fund) are assumed by the State and are not paid by the AG's operating funds. These costs, totaling \$8,776,498 for the year ended June 30, 2016, have been reported as revenues and expenditures in the AG's General Fund Statement of Revenues, Expenditures, and Changes in Fund Balance and in the departmental statement of activities.

7. Related Party Transactions

Certain AG employees perform services for other State departments and agencies. The AG bills those departments and agencies for such services and records revenues in the special fund to which the payroll costs were actually charged. Revenues totaled approximately \$10,226,000 for the fiscal year ended June 30, 2016, and the amount due from other state agencies totaled approximately \$1,493,000 at June 30, 2016.

8. Lease Commitments

The AG leases office facilities and office equipment on a long-term basis, the expenditures of which are reported in the general and special funds.

In addition to the minimum rent certain leases also provide for the payment of operating costs and general excise taxes.

Total rent expense including rents under short-term operating leases for the fiscal year ended June 30, 2016 was approximately \$1,000,000.

The AG also leased office equipment under a non-cancelable lease expiring in December 2019 with interest at approximately 1.5%. Payments of \$156,321 are due quarterly. The lease meets the criteria for capitalization established by the Financial Accounting Standards Board in *Accounting Standards Codification 840*. The lease is financed from federal grants. The estimated value of the leased equipment at the inception of the capital lease aggregated approximately \$3,007,422.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

8. Lease Commitments (continued)

Capital lease expenditures for the year ended June 30, 2016, approximated \$588,000 and \$38,000, for principal and interest, respectively. The equipment was not placed in service as of June 30, 2016, and therefore, no depreciation is included in the statement of activities for these assets.

The cost basis and accumulated depreciation of the leased assets at June 30, 2016 were as follows:

Cost	\$ 3,007,422
Less: Accumulated depreciation	-
Net amount	<u>\$ 3,007,422</u>

These amounts are included with capital assets (Note 4) in the financial statements and footnotes.

The following is a schedule of minimum future payments on noncancellable leases expiring through July 2022:

<u>Year ending June 30,</u>	<u>Operating leases</u>	<u>Capital leases</u>
2017	\$ 804,000	\$ 625,000
2018	608,000	625,000
2019	490,000	625,000
2020	415,000	313,000
2021	266,000	-
Thereafter	190,000	-
	<u>\$ 2,773,000</u>	<u>2,188,000</u>
Less: amount representing interest		(60,017)
		<u>\$ 2,127,983</u>

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

	<u>Amount</u>
Balance at July 1, 2015	\$ 2,715,720
Less: Principal payments	587,737
Balance at June 30, 2016	2,127,983
Less: current portion	596,628
Noncurrent portion	<u>\$ 1,531,355</u>

The interest portion of the lease payments is included in direct expenses of the Criminal Justice Data Center on the statement of activities.



Department of the Attorney General
State of Hawaii

Notes to Financial Statements

June 30, 2016

9. Employee Benefits

Employees' Retirement System of the State of Hawaii

Substantially all full-time employees of the AG are required to become members of the Employees' Retirement System (ERS), a cost-sharing, multiple-employer defined benefit pension plan. Benefits, eligibility, and contribution requirements are governed by HRS Chapter 88 and can be amended through legislation. The ERS provides retirement, disability, and death benefits that are covered by the provisions of the noncontributory, contributory, and hybrid retirement membership classes. The three classes provide a monthly retirement allowance equal to the benefit multiplier (generally 1.25% or 2%) multiplied by the average final compensation multiplied by years of credited service. Average final compensation for members hired prior to July 1, 2012 is an average of the highest salaries during any three years of credited service, excluding any salary paid in lieu of vacation for members hired January 1, 1971 or later and the average of the highest salaries during any five years of credit service including any salary paid in lieu of vacation for members hired prior to January 1, 1971. For members hired after June 30, 2012, average final compensation is an average of the highest salaries during any five years of credited service excluding any salary paid in lieu of vacation.

Each retiree's original retirement allowance is increased on each July 1 beginning the calendar year after retirement. Retirees first hired as members prior to July 1, 2012 receive a 2.5% increase each year of their original retirement allowance without a ceiling. Retirees first hired as members after June 30, 2012 receive a 1.5% increase each year of their original retirement allowance without a ceiling. The annual increase is not compounded.

Retirement benefits for certain groups, such as police officers, firefighters, some investigators, sewer workers, judges, and elected officials, vary from general employees. Contributions for employees of the AG are paid from the State's general fund.

Actuarial valuations are prepared for the entire ERS and are not separately computed for each department or agency. Information on vested and nonvested benefits and other aspects of the ERS is also not available on a departmental or agency basis. Accordingly, the State's policy on the accounting and reporting for pension benefits is to allocate a portion of the net pension liability, pension expense, and deferred inflows and outflows of resources required under GASB Statement No. 68 only to component units and proprietary funds that are report separately in stand-alone departmental financial statements or in the State's Comprehensive Annual Financial Report (CAFR). The basis for the allocation is the number of covered employees for each component unit and proprietary fund for pension benefits.

The State's policy is to fund its required contribution annually. The AG's general fund share of the retirement system expense for the year ended June 30, 2016, was included as an item to be expended by the Department of Budget and Finance and is not reflected in the AG's financial statements.

The ERS issues a publicly available financial report that includes financial statements and required supplemental information. That report may be obtained from the ERS.



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

9. Employee Benefits (continued)

Employees' Retirement System of the State of Hawaii (continued)

The employer contribution rate is set by statute based on the recommendations of the ERS actuary resulting from an experience study conducted every five years. Since July 1, 2005, the employer contribution rate is a fixed percentage of compensation, including the normal cost plus amounts required to pay for the unfunded actuarial accrued liabilities. The contribution rates for fiscal year 2016 were 25.00% for police and firefighters and 17.00% for all other employees. Contributions to the pension plan from the State were \$373,881,000 for the fiscal year ended June 30, 2016.

The State's statutorily required contribution as of June 30, 2016, 2015, and 2014 were approximately \$432,394,000, \$410,108,000, and \$380,338,000, respectively. The State contributed 100.0%, 100.0%, and 90.3% of its statutorily required contribution for those years, respectively. Covered payroll for the fiscal year ended June 30, 2016 was approximately \$2,496,249,000.

Postemployment Healthcare and Life Insurance Benefits

The State contributes to the Hawaii Employer-Union Health Benefit Trust Fund (EUTF), an agent multiple-employer defined benefit plan. The EUTF was established to provide a single delivery system of health benefits for State and county workers, retirees, and their dependents. The EUTF issues an annual financial report that is available to the public. That report may be obtained by writing to the EUTF at P.O. Box 2121, Honolulu, Hawaii 96805-2121.

For employees hired before July 1, 1996, the State pays the entire base monthly contribution for employees retiring with 10 or more years of credited service, and 50% of the base monthly contribution for employees retiring with fewer than 10 years of credited service. A retiree can elect a family plan to cover dependents.

For employees hired after June 30, 1996 but before July 1, 2001, and who retire with less than 10 years of service, the State makes no contributions. For those retiring with at least 10 years but fewer than 15 years of service, the State pays 50% of the base monthly contribution. For those retiring with at least 15 years but fewer than 25 years of service, the State pays 75% of the base monthly contribution. For those retiring with at least 25 years of service, the State pays 100% of the base monthly contribution. Retirees in this category can elect a family plan to cover dependents.

For employees hired on or after July 1, 2001, and who retire with less than 10 years of service, the State makes no contributions. For those retiring with at least 10 years but fewer than 15 years of service, the State pays 50% of the base monthly contribution. For those retiring with at least 15 years but fewer than 25 years of service, the State pays 75% of the base monthly contribution. For those employees retiring with at least 25 years of service, the State pays 100% of the base monthly contribution. Only single plan coverage is provided for retirees in this category. Retirees can elect family coverage but must pay the difference.



Department of the Attorney General
State of Hawaii

Notes to Financial Statements
June 30, 2016

9. Employee Benefits (continued)

Postemployment Healthcare and Life Insurance Benefits (continued)

The actuarial valuation of the EUTF does not provide other post-employment benefits (OPEB) information by department or agency. Accordingly, the State's policy on the accounting and reporting for OPEB is to allocate a portion of State's Annual Required Contribution (ARC), interest, and any adjustments to the ARC, to component units and proprietary funds that are reported separately in the State's CAFR or in standalone department financial statements. The basis for the allocation is the proportionate share of contributions made by each component unit and proprietary fund for retiree health benefits.

The State's CAFR includes the required footnote disclosures and required supplementary information on the State's OPEB plans. The State's CAFR can be found at the Department of Accounting and General Services' website: <http://hawaii.gov/dags/rpts>.

The AG's share of the non-pension post-retirement benefits is expended by the Department of Budget and Finance and is not reflected in the AG's financial statements.

The State's CAFR also includes financial disclosure and required supplementary information on the State's pension and non-pension retirement benefits.

10. Risk Management

The State is exposed to various risks of loss related to tort; theft of, damage to, or destruction of assets; errors or omissions; and workers' compensation. The State has property, crime and other liability insurance policies in force through various outside insurance carriers to mitigate this risk. The State generally retains the risk of losses up to deductible amounts per occurrence, and for amounts over the coverage limits. Insurance coverage is subject to various exclusions as specified in the insurance policies. Losses not covered by the insurance policies are paid by DAGS' Risk Management Fund or through legislative appropriation.

Insurance coverage for the policy year December 1, 2015 through December 1, 2016, are summarized below.

The State has real and personal property insurance covering risk of direct physical loss including named windstorms, flood, tsunami, and earthquakes with a limit of loss of \$200,000,000 per occurrence except for flood and earthquake which each has a \$200,000,000 aggregate loss. Deductibles are 3% of loss subject to a \$1,000,000 minimum per occurrence for windstorm, flood, tsunami, and earthquake. For other losses, the deductible is \$1,000,000 per occurrence.

The State has terrorism insurance with a limit of loss of \$50,000,000 with a \$10,000 per occurrence deductible and subject to the limitations of the Federal Terrorism Risk Insurance Act.



Department of the Attorney General

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Notes to Financial Statements

June 30, 2016

10. Risk Management (continued)

The State has liability insurance covering bodily injury and property damage, personal injury, automobile and watercraft liability, public errors and omissions liability, employment practices, dam and terrorism liability. Coverage limits are \$5,000,000 in aggregate with a \$4,000,000 per occurrence deductible.

The State has crime insurance for various types of coverage with a loss limit of \$10,000,000 per occurrence, with a \$500,000 deductible per occurrence.

The State is self-insured for its automobile no fault, worker compensation and unemployment benefits for its employees. These benefits are administered by other State departments.

DAGS' Risk Management Office handles tort, property, and automobile claims of \$10,000 or less for most departments of the State. Claims over \$10,000 are handled by the State's Department of the Attorney General. Losses of \$10,000 or less are paid from DAGS' Risk Management Fund. Losses in excess of \$10,000 are paid through legislative appropriation to the Department of the Attorney General.

11. Commitments and Contingencies

Accumulated Sick Leave – Employees earn sick leave credits at the rate of one and three-quarters working days for each month of service without limit. Sick leave can be taken only in the event of illness and is not convertible to pay upon termination of employment. However, an employee who retires or leaves government service in good standing with sixty days or more of unused sick leave is entitled to additional service credit in the ERS. Accumulated sick leave for the AG as of June 30, 2016 was approximately \$23,643,000.

Deferred Compensation Plan – The State has a deferred compensation plan which enables State employees to defer a portion of their compensation. The State Department of Human Resources Development has the fiduciary responsibility of administering the plan. The deferred compensation is not available to employees until termination, retirement, death, or an unforeseeable emergency. All amounts of compensation deferred under the plan, all property and rights purchased with those amounts and income earned thereon are held in trust outside the State Treasury for the exclusive benefit of participants and their beneficiaries.

12. Criminal Forfeiture Revolving Fund

The AG is the coordinating agency for the Hawaii Omnibus Criminal Forfeiture Act. Pursuant to this Act, the AG is mandated to process petitions for administrative forfeiture of personal property and to distribute administratively or judicially forfeited property, or its proceeds, to law enforcement agencies according to a specified formula.



Department of the Attorney General

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Notes to Financial Statements

June 30, 2016

12. Criminal Forfeiture Revolving Fund (continued)

Forfeited property is recorded as revenue in a special revenue fund at the time of forfeiture, and the funds may be used for specified purposes only. Currency seized by a law enforcement agency and held by the AG pending a forfeiture decision is recorded in an agency fund. Any bonds posted in connection with judicial forfeitures are similarly recorded.

13. Welfare Reform Act

The enactment of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), implemented changes in the availability of Federal funding and in the information required to compute State grant awards. PRWORA made effective the Temporary Assistance for Needy Families (TANF) Program under Title IV-A of the Social Security Act and repealed the Aid to Families With Dependent Children (AFDC) Program under Title IV-A of this Act.



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

14. Fund Balances

At June 30, 2016, the Department of the Attorney General's governmental fund financial statements reported fund balances as follows:

	General Fund	Child Support Enforcement	Legal Services	Crime Prevention and Justice Assistance	Criminal Justice Data Center	Total
Restricted for:						
Federal grants	\$ -	\$ 46,614	\$ 15,321	\$ 2,206,209	\$ 188,317	\$ 2,456,461
Child support enforcement	-	12,592,274	-	-	-	12,592,274
Tobacco enforcement fund	-	-	436,221	-	-	436,221
Other	-	-	122,909	-	-	122,909
	-	12,638,888	574,451	2,206,209	188,317	15,607,865
Committed to:						
Medicaid investigation recovery fund	-	-	1,215,840	-	-	1,215,840
DNA Registry	-	-	649,806	-	-	649,806
Enforcement for charitable solicitations	-	-	1,743,078	-	-	1,743,078
Criminal forfeiture fund	-	-	456,495	-	-	456,495
Criminal history record revolving fund	-	-	-	-	1,501,308	1,501,308
Other	-	-	101,112	-	-	101,112
	-	-	4,166,331	-	1,501,308	5,667,639
Assigned to:						
Encumbrances	308,310	-	-	-	-	308,310
Unassigned	(2,287,899)	-	-	-	-	(2,287,899)
Total Fund Balance	<u>\$ (1,979,589)</u>	<u>\$ 12,638,888</u>	<u>\$ 4,740,782</u>	<u>\$ 2,206,209</u>	<u>\$ 1,689,625</u>	<u>\$ 19,295,915</u>

Encumbrances and other commitments at June 30, 2016 amounted to:

General Fund	\$ 308,310
Child Support Enforcement	52,790
Legal Services	776,966
Criminal Justice Data Center	820,057
	<u>\$ 1,958,123</u>



Department of the Attorney General

State of Hawaii

Notes to Financial Statements

June 30, 2016

15. Fiduciary Net Position

The net excess of liabilities over assets of \$1,652,948 in the Statement of Fiduciary Net Position results from the Child Support Enforcement program and are due to uncollected recoupments due from custodial parents resulting from overpayments, and uncollected non-sufficient fund (NSF) payments due from non-custodial parents.

The Department has requested funding from the Legislature to cover the deficit in the CSEA Agency Fund.



**Department of the Attorney General
State of Hawaii**

Schedule of Expenditures of Federal Awards
for the year ended June 30, 2016

Federal Grantor/Pass-Through Grantor/Program Title	Federal CFDA Number	Grant Number	Passed Through To Subrecipients	Total Federal Expenditures
<u>U.S. Department of Justice</u>				
Sexual Assault Services Formula Program	16.017	2013-KF-AX-0051 2014-KF-AX-0043	\$ 94,337 216,397 <u>310,734</u>	\$ 94,337 216,397 <u>310,734</u>
Internet Crimes Against Children	16.543	2014-MC-FX-K002	-	66,666
Probation and Parole Mapping	16.550	2014-BJ-CX-K022 2015-BJ-CX-K003	- - <u>-</u>	34,125 24,900 <u>59,025</u>
Passed through the State Department of Transportation:				
National Criminal History Improvement Program (NCHIP)	16.554	2011-MU-BX-K070 2012-RU-BX-K010 2014-RU-BX-K012 2015-RU-BX-K010	- - 17,320 7,679 <u>24,999</u>	91,097 6,448 112,242 7,679 <u>217,466</u>
Crime Victim Assistance (VOCA)	16.575	2012-VA-GX-0013 2013-VA-GX-0071 2014-VA-GX-0049	577,225 1,623,957 - <u>2,201,182</u>	593,894 1,731,111 37,410 <u>2,362,415</u>
Stop Violence Against Women Formula Grants	16.588	2011-WF-AX-0008 2012-WF-AX-0032 2013-WF-AX-0002 2014-WF-AX-0019	57,662 142,243 679,129 65,306 <u>944,340</u>	85,797 215,165 679,129 65,306 <u>1,045,397</u>
Residential Substance Abuse Treatment for State Prisoners	16.593	2010-RT-BX-0058 2011-RT-BX-0060	40,726 91,700 <u>132,426</u>	41,030 94,069 <u>135,099</u>
Public Safety Partnership and Community Policing Services Grant	16.710	2009-CK-WX-0179 2010-CK-WX-0492	- - <u>-</u>	65,384 143,598 <u>208,982</u>
Subtotal carried forward			<u>3,613,681</u>	<u>4,405,784</u>

See accompanying notes to Schedule of Expenditures of Federal Awards.



**Department of the Attorney General
State of Hawaii**

Schedule of Expenditures of Federal Awards (continued)
for the year ended June 30, 2016

Federal Grantor/Pass-Through Grantor/Program Title	Federal CFDA Number	Grant Number	Passed Through To Subrecipients	Total Federal Expenditures
<u>U.S. Department of Justice (continued)</u>				
Subtotal brought forward			\$ 3,613,681	\$ 4,405,784
Edward Byrne Memorial Justice Assistance Grant (JAG)	16.738	2011-DJ-BX-2205	177,314	177,314
		2012-DJ-BX-0436	400,201	413,387
		2013-DJ-BX-0018	490,218	562,975
		2014-DJ-BX-0049	45,800	61,925
		2010-DB-BX-K053	-	39,803
		2013-DG-BX-K010	-	69,344
			<u>1,113,533</u>	<u>1,324,748</u>
Paul Coverdell Forensic Sciences Improvement Grant Program	16.742	2013-CD-BX-0011	13,256	13,310
		2014-CD-BX-0030	50,727	55,289
		2015-CD-BX-0010	6,915	7,730
			<u>70,898</u>	<u>76,329</u>
Support for Adam Walsh Act Implementation Grant	16.750	2011-AW-BX-0024	-	19,838
		2013-AW-BX-0012	-	47,443
		2014-AW-BX-0016	-	148,727
		2015-AW-BX-0006	-	251,480
			<u>-</u>	<u>467,488</u>
Edward Byrne Memorial Competitive Grant Program	16.751	2014-XT-BX-0055	<u>11,344</u>	<u>11,344</u>
John R. Justice Grant Program	16.816	2013-RJ-BX-0005	<u>-</u>	<u>31,194</u>
Total U.S. Department of Justice			<u>4,809,456</u>	<u>6,316,887</u>



**Department of the Attorney General
State of Hawaii**

Schedule of Expenditures of Federal Awards (continued)
for the year ended June 30, 2016

Federal Grantor/Pass-Through Grantor/Program Title	Federal CFDA Number	Grant Number	Passed Through To Subrecipients	Total Federal Expenditures
<u>U.S. Department of Health and Human Services</u>				
ACA Nationwide Program for National and State Background Checks for Direct Patient Access Employees of Long Term Care Facilities and Providers	93.506	1A1CMS 331099-01-01	\$ -	\$ 182,667
Child Support Enforcement Title IV-D	93.563	G-13-04-HI-4004	-	15,924
		G-14-04-HI-4004	-	4,162
		G-15-04-HI-4004	-	57,449
		G-16-04-HI-4004	-	11,097,842
			-	11,175,377
State Medicaid Fraud Control Units	93.775	01-1501-HI-5050	-	286,061
		01-1601-HI-5050	-	876,713
			-	1,162,774
Total U.S. Department of Health and Human Services			-	12,520,818
<u>U.S. Department of Homeland Security</u>				
Homeland Security Grant Program	97.067	EMW-2013-SS-00003	-	104,370
		EMW-2014-SS-00003	-	200,000
			-	304,370
Total U.S. Department of Homeland Security			-	304,370
<u>Executive Office of the President</u>				
High Intensity Drug Trafficking Areas Program	95.001	G15HI0007A	727,233	727,233
Total Executive Office of the President			727,233	727,233
Total Expenditures of Federal Awards			\$ 5,536,689	\$19,869,308

See accompanying notes to Schedule of Expenditures of Federal Awards.



Department of the Attorney General

State of Hawaii

Notes to the Schedule of Expenditures of Federal Awards June 30, 2016

1. Basis of Presentation

The accompanying schedule of expenditures of federal awards (Schedule) includes the Federal award activity of the Department of the Attorney General of the State of Hawaii (AG). The information in this schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of the AG, it is not intended to and does not present the financial position, changes in net assets, or cash flows of the AG.

2. Summary of Significant Accounting Policies

Expenditures reported on the Schedule are reported on the cash basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

3. Indirect Cost Rate

The AG has not elected to use the 10-percent de minimus indirect cost rate allowed under the Uniform Guidance.



PART II
COMPLIANCE AND INTERNAL CONTROL





AKAMINE, OYADOMARI & KOSAKI
CPA'S, INC.

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

Independent Auditor's Report

To the Auditor
Office of the Auditor
State of Hawaii

We have audited, in accordance with the 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, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Department of the Attorney General, State of Hawaii, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Department of the Attorney General, State of Hawaii's, basic financial statements, and have issued our report thereon dated January 23, 2017.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Department of the Attorney General, State of Hawaii's, internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Department of the Attorney General, State of Hawaii's internal control. Accordingly, we do not express an opinion on the effectiveness of the Department of the Attorney General, State of Hawaii's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. 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 deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and questioned costs that we consider to be a significant deficiency, as item 2016-002.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Department of the Attorney General, State of Hawaii's, financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including applicable provisions of the Hawaii Public Procurement Code (Chapter 103D of the Hawaii Revised Statutes), and procurement rules, directives and circulars, 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 instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and questioned costs as items 2016-001 and 2016-002.

The Department of the Attorney General, State of Hawaii's, Response to Findings

The Department of the Attorney General, State of Hawaii's, response to the findings identified in our audit is described in the accompanying response to schedule of findings and questioned costs. The Department of the Attorney General, State of Hawaii's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Department of the Attorney General, State of Hawaii's, internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Department of the Attorney General, State of Hawaii's, internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Akamine, Oyadomari & Kosaki CPAs, Inc.

Honolulu, Hawaii
January 23, 2017





AKAMINE, OYADOMARI & KOSAKI

CPA'S, INC.

Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance Required by the Uniform Guidance

Independent Auditor's Report

To the Auditor
Office of the Auditor
State of Hawaii

Report on Compliance for Each Major Federal Program

We have audited the Department of the Attorney General, State of Hawaii's, compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the Department of the Attorney General, State of Hawaii's major federal programs for the year ended June 30, 2016. The Department of the Attorney General, State of Hawaii's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Department of the Attorney General, State of Hawaii's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Department of the Attorney General, State of Hawaii's, compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Department of the Attorney General, State of Hawaii's, compliance.



Opinion on Each Major Federal Program

In our opinion, the Department of the Attorney General, State of Hawaii, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control Over Compliance

Management of the Department of the Attorney General, State of Hawaii, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Department of the Attorney General, State of Hawaii's, internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Department of the Attorney General, State of Hawaii's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section, and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Akamine, Oyadomari & Kosaki CPAs, Inc.

Honolulu, Hawaii
January 23, 2017



PART III
FINDINGS AND QUESTIONED COSTS



**Department of the Attorney General
State of Hawaii**

Schedule of Findings and Questioned Costs
for the year ended June 30, 2016

Section I – Summary of Auditor’s Results

Financial Statements

Type of report the auditor issued on whether the financial statements audited were prepared in accordance with GAAP: unmodified

Internal control over financial reporting:

- Material weakness(es) identified? ☐ Yes ☒ No
- Significant deficiency(ies) identified? ☒ Yes ☐ None reported

Noncompliance material to financial statements noted? ☒ Yes ☐ No

Federal Awards

Internal controls over major federal programs:

- Material weakness(es) identified? ☐ Yes ☒ No
- Significant deficiency(ies) identified? ☐ Yes ☒ None reported

Type of auditor’s report issued on compliance for major federal programs: unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? ☐ Yes ☒ No

Identification of major federal programs:

<u>CFDA No.</u>	<u>Name of Federal Program or Cluster</u>
16.575	Crime Victim Assistance
16.588	Stop Violence Against Women Formula Grants
16.738	Edward Byrne Memorial Justice Assistance Grant
93.563	Child Support Enforcement Title IV-D
93.775	State Medicaid Fraud Control Units

Dollar threshold used to distinguish between type A and type B programs: \$750,000
Auditee qualifies as low-risk auditee? ☒ Yes ☐ No



Department of the Attorney General

State of Hawaii

Schedule of Findings and Questioned Costs
for the year ended June 30, 2016

Section II – Financial Statement Findings

2016-001 Deficit in CSEA Agency Fund should be addressed and resolved

Criteria:

The Department of the Attorney General (AG) maintains four agency funds including an Agency Fund for the Child Support Enforcement Agency (CSEA), a division of the Department of the Attorney General, which provides for a system of collections, disbursements, and enforcement of court ordered child support payments. Amounts collected for child support are custodial in nature and are under the control of the CSEA as a fiduciary and are not available for use in government operations.

Condition:

Cash receipts collected from non-custodial parents are deposited into the CSEA bank account for disbursement to custodial parents. Transactions are recorded in the CSEA Agency Fund.

At June 30, 2016 the balance sheet of the CSEA Agency Fund comprised:

Cash, net of outstanding checks of \$3,185,000 of which \$2,738,000 were over one year old	\$ 10,166,000
Liability to agency recipients	<u>11,819,000</u>
Deficit	<u><u>\$ 1,653,000</u></u>

The deficit of \$1,653,000 is comprised of the following:

Unrecovered nonsufficient funds support payments from non-custodial parents	\$ 1,080,000
Uncollected amounts due from custodial parents resulting from overpayment of child support payments	842,000
Other	<u>(269,000)</u>
	<u><u>\$ 1,653,000</u></u>



Department of the Attorney General
State of Hawaii

Schedule of Findings and Questioned Costs
for the year ended June 30, 2016

Federal regulations provide for child support payments from the non-custodial parent to be remitted to the custodial parent within two business days upon receipt by the CSEA. Certain support payments, however, are held and not immediately disbursed due to payments received with insufficient information to identify the intended custodial parent, child support payment checks returned as undeliverable to the custodial parent, amounts intercepted and withheld from the delinquent non-custodial parent's income tax return refund which are subject to challenge, prepaid child support payments made by the non-custodial parent not yet due to the custodial parent, and amounts held for overpayments for public assistance to the custodial parent.

The total support payments due to agency recipients was approximately \$11,819,000 at June 30, 2016. CSEA has over the years accumulated a deficit of approximately \$1,653,000 in the Agency Fund at June 30, 2016. Since the child support monies are custodial in nature, the Agency Fund should not be operating with a deficit.

Cause:

Since Federal regulations require disbursement of child support payments to custodial parents within two business days of receipt, CSEA disbursed amounts received without knowing whether the non-custodial parent had sufficient funds at the bank. Nonsufficient funds (NSF) checks rejected by the bank result in amounts due from non-custodial parents. Recovery of such funds were dependent on collecting from the non-custodial parent and not by reducing future child support payments to the custodial parent.

Errors in the payment process gave rise to uncollected recoupments due from the custodial parent resulting from overpayment of child support payments. CSEA's ability to collect such overpayment from the custodial parent by reducing future child support payments was limited.

Over the years the Agency trust fund monies have been used by CSEA to pay for all of the above items and as of June 30, 2016 obligations exceeded cash, resulting in a \$1,653,000 deficit in the CSEA Agency Fund. The present deficit is being funded by the "float" created by outstanding uncashed checks (\$2,738,000 over one year old) and from obligations due to parents not being immediately payable. Any recovery from parents for either NSF payments or overpayments of support is problematic.

Effect: As a result of the deficit, there is presently not enough cash in the Agency Fund to pay all of the Agency Fund obligations.

Recommendation: We continue to recommend that the AG resolve the deficit position in its Agency Fund. We noted that during the fiscal year ending June 30, 2016, the AG reduced the deficit by replenishing the Agency Fund with general funds. These transfers aggregated approximately \$869,000 and reimbursed the Agency Fund for the State's matching portion of IRS intercept fees which were not recoverable from the Federal grant.



Department of the Attorney General

State of Hawaii

Schedule of Findings and Questioned Costs for the year ended June 30, 2016

2016-002 Controls over expenditures and encumbrances should be improved.

Criteria:

HRS §37-42, relating to expenditure controls, provides that no department or establishment shall expend or be allowed to expend any sum, or incur or be allowed to incur any obligation in excess of an allotment. Under HRS §37-31, appropriated funds are intended to meet the requirements of the department for the period of the appropriation.

Condition and Effect:

During our audit, we noted that the department paid approximately \$381,000 with fiscal 2017 funds for fiscal 2016 expenditures, although the department lapsed approximately \$319,000 of fiscal 2016 general funds. Accordingly, the AG had expended at least \$62,000 in excess of its appropriation for the fiscal year ended June 30, 2016. This excess resulted from expenditures that related to legal services rendered between September 2015 and June 2016.

Cause:

The AG does not have adequate procedures in place to ensure that the necessary funds are available prior to, and encumbered upon, entering into a firm commitment.

Recommendation:

We recommend that the AG establish the necessary policies and procedures to help ensure that adequate funds are available prior to entering into a firm commitment. In addition, the AG should implement the necessary policies and procedures to utilize encumbrances upon entering firm commitments. In this connection, expenditures should be encumbered on a timely basis in the appropriate fiscal year.



**Department of the Attorney General
State of Hawaii**

Schedule of Findings and Questioned Costs
for the year ended June 30, 2016

Section III – Federal Award Findings and Questioned Costs

None.



Department of the Attorney General

State of Hawaii

Schedule of Findings and Questioned Costs
for the year ended June 30, 2016

Section IV – Prior Year Audit Findings

Internal Control over Financial Reporting

Finding 2015-001 Deficit in CSEA Agency Fund should be addressed and resolved

Condition:

The deficit in the CSEA Agency Fund amounted to \$2,512,000 at June 30, 2015.

Recommendation:

We recommended that the Department resolve the deficit position of the CSEA Agency Fund.

Current status:

The deficit in the CSEA Agency Fund amounted to approximately \$1,653,000 at June 30, 2016. See finding 2016-001 for further current details relating to this matter.

Finding 2015-002 Appropriation should not be over expended

Condition:

The AG expended at least \$154,000 in excess of its appropriation for the fiscal year ended June 30, 2015.

Recommendation:

We recommended that the AG establish policies and procedures to help ensure that appropriations are not over expended.

Current status:

Appropriations were over expended during the 2016 fiscal year. See current audit finding 2016-002.

Federal Award Findings and Questioned Costs

No matters reported.



PART IV
RESPONSE OF THE DEPARTMENT OF THE ATTORNEY GENERAL,
STATE OF HAWAII





STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

DEPARTMENT OF THE ATTORNEY GENERAL
FISCAL YEAR ENDED JUNE 30, 2016
RESPONSE TO SCHEDULE OF FINDINGS AND QUESTIONED COSTS

2016-001 Deficit in CSEA Agency Fund should be addressed and resolved

Condition and Effect:

Cash receipts collected from non-custodial parents are deposited into the CSEA bank account for disbursement to custodial parents. Transactions are recorded in the CSEA Agency Fund. CSEA has over the years accumulated a deficit of \$1,653,000 in the Agency Fund at June 30, 2016. As a result of the deficit there is presently not enough cash in the Agency Fund to pay all of the Agency Fund obligations.

The deficit of \$1,653,000 is comprised of the following:

Unrecovered nonsufficient funds support payments from non-custodial parents	\$1,080,000
Uncollected amounts due from custodial parents resulting from overpayment of child support payments	\$ 842,000
Other	<u>(\$ 269,000)</u>
Total	<u>\$1,653,000</u>

Cause:

The deficit was caused by the following.

Since Federal regulations require disbursement of child support payments to custodial parents within two business days of receipt, CSEA disbursed amounts received without knowing whether the non-custodial parent had sufficient funds at the bank. Nonsufficient funds (NSF) checks rejected by the bank result in amounts due from non-custodial parents. Recovery of such funds were dependent on

collecting from non-custodial parent and not by reducing future benefit payments to the custodial parent.

Errors in the payment process gave rise to uncollected recoupments due from the custodial parent resulting from overpayment of child support payments. CSEA's ability to collect such overpayment from the custodial parent by reducing future benefit payments was limited.

Over the years the Agency trust fund monies have been used by CSEA to pay for all of the above items and as of June 30, 2016 obligations exceeded cash, resulting in a \$1,653,000 deficit in the CSEA Agency Fund. The present deficit is being funded by the "float" created by outstanding uncashed checks (\$2,738,000 over one year old) and from obligations due to parents not being immediately payable. Any recovery from parents for either NSF payments or overpayments of support is problematic.

Recommendation:

We continue to recommend the AG resolve the deficit position in its Agency Fund. We noted that during the fiscal year ending June 30, 2016, the AG reduced the deficit by replenishing the Agency Fund with general funds. These transfers aggregated approximately \$869,000 and reimbursed the Agency Fund for the State's matching portion of IRS intercept fees which were not recoverable from the Federal grant.

Response:

The AG concurs with the recommendation. The cash deficit in the child support collection and disbursement bank account is attributable to multiple factors such as non-sufficient fund (NSF) checks made by non-custodial parents, fraudulent checks, involuntary pullback from income tax refund offset by taxing authorities, to name a few, and the current amount has been accumulated since the agency's inception. These factors will continue to result in deficits due to the federal law requiring disbursement within 48 hours of receipt of payment. That does not allow adequate time for the payment to clear and receive notification of insufficient funds.

In recent years the agency has been making varied attempts to prevent such deficit from growing by automating the recoupment process for overpayments, implementing a hold period for state tax refund offset, and actively seeking recovery from NSF payers. Additionally, the agency has worked with the State's Risk Management unit on a case-by-case scenario to deal with recoupment. Most of these actions are the agency's preventive measures; they do not eradicate the issue. Because the deficit can only be made whole with general fund, the agency has requested additional general fund appropriation to eliminate or reduce the deficit to much lesser amount since the 2005 legislative session. Such request has never been successful except for the fiscal year 2013 the agency was granted \$50,000 of general fund. The agency will continue looking for ways to effectively manage the cash shortfall; however, to drastically trim down the deficit it requires supplemental funding.

2016-002 Controls over expenditures and encumbrances should be improved.

Condition and Effect:

During the audit, we noted that the department paid approximately \$381,000 with fiscal year 2017 funds for fiscal 2016 expenditures, although the department lapsed approximately \$319,000 of fiscal 2016 general funds. Accordingly, the AG had expended at least \$62,000 in excess of its appropriation for the fiscal year ended June 30, 2016. This excess resulted from expenditures that related to legal services rendered between September 2015 and June 2016.

Cause:

The AG does not have adequate procedures in place to ensure that necessary funds are available prior to, and encumbered upon, entering a firm commitment.

Recommendation:

We recommend that the AG establish the necessary policies and procedures to help ensure that adequate funds are available prior to entering into a firm commitment. In addition, the AG should implement the necessary policies and procedures to utilize encumbrances upon entering firm commitments. In this connection, expenditures should be encumbered on a timely basis in the appropriate fiscal year.

Response:

The AG concurs with the recommendation. The Department recognizes that on an accrual basis overexpending may have occurred in relation to the expenditure stated in the audit findings.

The Administrative Services Office (ASO) has established the following policies and procedures:

- *At the beginning of each fiscal year, the ASO implements a rule to identify all projectable expenditures and encumber them as appropriate and as appropriations and allotments are available.*