

- ① Legislature
② Audit Commission Legislative

②* AUDIT REPORT

STATE PUBLIC DEFENDER,

Years Ended June 30, 1975, 1976, and 1977.

- - -

Operating Under Minn. Stat. Chapter 611.

- -

- ③ May 11, 1978
④ 3p. -

Legal Profession



STATE OF MINNESOTA
LEGISLATIVE AUDIT COMMISSION
VETERANS SERVICE BUILDING
SAINT PAUL 55155
(612) 296-4708

Senator William McCutcheon, Chairman
Legislative Audit Commission

and

C. Paul Jones
State Public Defender

We have made a financial and compliance audit of the State Public Defender for the years ended June 30, 1975, 1976, and 1977. The audit was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Field work was completed on September 30, 1977.

The objectives of this audit were to determine that financial transactions were properly recorded in the statewide accounting system, expenditures were proper and made for the purposes set out in the several appropriations, receipts were accounted for and paid into the state treasury, and that procedures and internal control systems are sufficient to safeguard the cash and other property of the state in an economical, efficient, and business-like manner.

The financial statement included in this report is presented only for the general information of the reader and does not purport to represent financial position or results of operation in accordance with generally accepted accounting principles.

A handwritten signature in cursive script, reading "Eldon Stoehr", is written over the printed name and title of the Legislative Auditor.

Eldon Stoehr
Legislative Auditor

May 11, 1978

STATE PUBLIC DEFENDER

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STATE PUBLIC DEFENDER

CURRENT FINDINGS AND RECOMMENDATIONS

Finding

The annual salary paid assistant state public defenders was in excess of the \$12,500 maximum salary provided for in Minnesota Statutes.

Analysis

During the audit period, the State Public Defender has employed assistant public defenders in the unclassified state civil service who were paid a salary in excess of the \$12,500 maximum salary provided for in Minn. Stat. Section 611.24. The limit of \$12,500 was imposed by Laws 1965, Chapter 869 and has not been changed since.

In addition to assistants employed in the unclassified service, at least one attorney was paid under contract to perform the functions of an assistant public defender. He was paid in excess of \$12,500 during the year.

When this matter was brought to the attention of the State Public Defender, he sought legislation to have the \$12,500 salary limitation amended. Minn. Stat. Section 611.24 was amended by Laws 1978, Chapter 540, which removed the limitation of \$12,500 and now provides for an assistant public defender salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments.

STATEMENT OF EXPENDITURES INCLUDING ENCUMBRANCES

- Years Ended June 30, 1975, 1976, and 1977 -

	Year Ended June 30		
	<u>1975</u>	<u>1976</u>	<u>1977</u>
<u>General Fund</u>			
State employee services	\$167,591	\$209,134	\$206,775
Contracted legal services	57,297	41,552	58,852
Contracted with University of Minnesota - Legal Assistance to Minnesota Prisoner Program	79,118		
Purchase of court records and transcripts	25,188	34,311	51,466
Contracted stenographic services	9,511	9,000	14,281
Travel and subsistence	6,868	9,328	11,080
Supplies and law books	3,746	5,405	5,566
Telephone and postage	3,903	4,248	5,144
Printing and binding	2,440	2,003	3,403
Memberships, registrations, and subscriptions	2,201	2,364	1,533
Other	<u>477</u>	<u>360</u>	<u>359</u>
Total Expenditures Including Encumbrances	<u>\$358,340</u>	<u>\$317,705</u>	<u>\$358,459</u>

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OFFICE OF THE STATE PUBLIC DEFENDER

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May 2, 1978

H. Warren Schmidt
Audit Manager
Legislative Audit Commission
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Dear Mr. Schmidt:

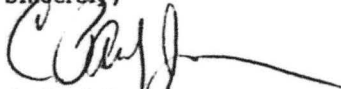
Thank you for your legislative audit report under date
of May 1, 1978.

We appreciate the review given to our office accounting
records by Eldon Stoehr from your staff and the suggestion
he made which led to clarifying legislation in the 1978
session.

In view of this, an explanation of the biennial appropriations legisla-
tion process relative to compensation is not material.

Again, thank you for your time, effort, and helpful suggestion.

Sincerely,



C. Paul Jones

CPJ:nc