

Audited Financial Statements

State of Michigan  
Department of Licensing and Regulatory Affairs  
Unemployment Insurance Agency –  
Contingent Fund

*Year ended September 30, 2013  
with Report of Independent Auditors*



State of Michigan  
Department of Licensing and Regulatory Affairs  
Unemployment Insurance Agency –  
Contingent Fund

Audited Financial Statements

Year ended September 30, 2013

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## Report of Independent Auditors

State of Michigan  
Office of the Auditor General,  
Office of Financial Management, and  
Department of Licensing and Regulatory Affairs,  
Unemployment Insurance Agency

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

We have audited the accompanying financial statements of the Contingent Fund of the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency (Fund) as of and for the year ended September 30, 2013, and the related notes to the 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.

#### ***Auditors' Responsibility***

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

#### ***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Fund as of September 30, 2013, and the changes in financial position and cash flows 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 1, the financial statements present only the Contingent Fund of the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency and do not purport to, and do not, present fairly the financial position of the State of Michigan or the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency in its entirety as of September 30, 2013, the changes in its financial position, or, where applicable, cash flows 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 Matter***

#### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that management's discussion and analysis be presented to supplement the financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the 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 financial statements, and other knowledge we obtained during our audit of the 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 Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated December 12, 2013, on our consideration of the Contingent Fund of the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Contingent Fund of the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency's internal control over financial reporting and compliance.

*Andrews Hooper Pavlik PLC*

Auburn Hills, Michigan  
December 12, 2013

State of Michigan  
Department of Licensing and Regulatory Affairs  
Unemployment Insurance Agency-  
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Management's Discussion and Analysis

Year ended September 30, 2013

Our discussion and analysis of the Contingent Fund of the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency's (Fund) enterprise fund financial performance provides an overview of the Fund's activities for the year ended September 30, 2013.

The Fund was established under the provisions of the Michigan Employment Security Act of 1936 to account for collections of interest and penalties on delinquent unemployment contributions from employers, misrepresentation penalties on wrongfully collected unemployment benefits from claimants, and a special unemployment tax surcharge imposed on certain employers known as Solvency Tax. The accompanying financial statements present the results of operations for the Fund only. Accordingly, these financial statements do not present fairly the financial position or results of operations of the State of Michigan or the State of Michigan Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency.

**Financial Highlights**

- Net position increased by \$36,221,159.
- In order to improve customer service, reduce fraud, and increase the efficiency of its operations, the Unemployment Insurance Agency has been updating both the Tax and Benefit Systems over the past two years. This year part of those system upgrades, \$991,313, was expended by the Contingent Fund for a Special Fraud Expenditure program.

**Using this Annual Financial Report**

The annual report includes this management's discussion and analysis report, the independent auditors' report, and the financial statements of the Fund. The financial statements also include notes that explain in more detail some of the information in the financial statements.

**Financial Reporting**

The Statement of Net Position presents information on all of the Fund'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 Fund is improving or deteriorating. However, one will need to consider other nonfinancial factors such as changes in economic conditions, population growth, and new or changed government legislation.

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Management's Discussion and Analysis (continued)

The Statement of Revenues, Expenses, and Changes in Net Position presents information showing how the Fund's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

**Reporting on the Fund**

**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 Fund, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the financial statements.

**Financial Analysis of the Fund**

Exhibit A provides the comparative summary of the Fund's net position as of September 30, 2013 and 2012:

**Exhibit A**

<b>Assets</b>	<b>2013</b>	<b>2012</b>
Total assets (all current)	<u>\$ 62,357,586</u>	<u>\$ 26,136,427</u>
 <b>Liabilities</b>		
Total liabilities (all current)	<u>-</u>	<u>-</u>
 <b>Net position</b>		
Total net position (all restricted)	<u>\$ 62,357,586</u>	<u>\$ 26,136,427</u>

Net position of the Fund was \$62,357,586 at September 30, 2013. The most significant change in assets in 2013 was the increase in Equity in Common Cash. The new UI Tax System was implemented at the end of 2012. Since then, the fund has experienced an increase in the revenue generated from improved collection methods.

The results of this year's operations for the Fund are reported in the Statement of Revenues, Expenses, and Changes in Net Position, as summarized in Exhibit B below, which shows the changes in net position for the years ended September 30, 2013 and 2012.

State of Michigan  
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Management's Discussion and Analysis (continued)

**Exhibit B**

	2013	2012
<b>Revenues</b>		
Operating	\$ 38,897,000	\$ 37,107,842
Nonoperating	21,714	54,389,989
Total revenues	38,918,714	91,497,831
<b>Expenses</b>		
Operating	1,844,141	2,005,913
Nonoperating	-	31,627,295
Total expenses	1,844,141	33,633,208
Income before transfers	37,074,573	57,864,623
Transfers out	(853,414)	(9,328,502)
Change in net position	\$ 36,221,159	\$ 48,536,121

Net position of the Fund increased by \$36,221,159 for the year ended September 30, 2013. The most significant change from 2012 is in the nonoperating revenues and expenses. These amounts were significantly higher in the previous year due to the collection of solvency taxes and the payment of Social Security Act Title XII (Title XII) interest. When the Obligation Assessment bonds were issued, and the Title XII loans repaid, the solvency taxes triggered off, and loan interest expense was eliminated.

**Factors Expected to Have an Effect on Future Operations**

The State of Michigan's regular unemployment claims have been trending downward in recent years and are expected to decline again slightly in 2014 causing no major impact to this fund.

A new directive from the United States Employment and Training Administration Unemployment Insurance Program Letter 02-12 requires a state to deposit 15% of any penalties collected on improper payments to an individual due to fraud into the state's unemployment fund. This law change is expected to reduce the revenues to the Fund by 15% going forward.

State of Michigan  
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Statement of Net Position

September 30, 2013

**Assets**

Current assets:

Equity in State of Michigan Treasurer's common cash	\$ 35,574,705
Receivable from contributing employers	23,418,860
Due from State of Michigan funds	<u>3,364,021</u>

Total assets \$ 62,357,586

**Liabilities**

Current liabilities:

Due to State of Michigan funds	<u>\$ -</u>
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Total liabilities -

**Net Position**

Restricted 62,357,586

Total net position \$ 62,357,586

State of Michigan  
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Statement of Revenues, Expenses, and Changes in Net Position

Year ended September 30, 2013

Operating revenues:	
Interest and penalties on delinquent unemployment contributions	\$ 33,505,585
Interest and penalties on claimant overpayments	<u>5,391,415</u>
Total operating revenues	38,897,000
Operating expenses:	
Other expenses	845,128
Other fees	<u>999,013</u>
Total operating expenses	<u>1,844,141</u>
Operating income	37,052,859
Nonoperating revenues and expenses:	
Interest earned	<u>21,714</u>
Income before transfers	37,074,573
Transfers out	<u>(853,414)</u>
Change in net position	36,221,159
Total net position – beginning of year	<u>26,136,427</u>
Total net position – end of year	<u><u>\$ 62,357,586</u></u>

State of Michigan  
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Statement of Cash Flows

Year ended September 30, 2013

Cash flows from operating activities:	
Cash received from solvency collections	\$ 95,000
Cash received from interest and penalties on delinquent unemployment contributions	22,698,158
Cash received from interest and penalties on claimant overpayments	4,000,000
Payments of other fees	<u>(999,013)</u>
Net cash provided by operating activities	25,794,145
Cash flows from noncapital financing activities:	
Transfers out	<u>(853,414)</u>
Net cash used in noncapital financing activities	(853,414)
Cash flows from investing activities:	
Interest earned	<u>21,714</u>
Net cash provided by investing activities	<u>21,714</u>
Net increase in cash	24,962,445
Cash – beginning of the year	<u>10,612,260</u>
Cash – end of the year	<u><u>\$ 35,574,705</u></u>
Reconciliation of operating income to net cash provided by operating activities:	
Operating income	\$ 37,052,859
Net changes in assets and liabilities:	
Receivables	(11,592,851)
Due from State of Michigan funds	<u>334,137</u>
Net cash provided by operating activities	<u><u>\$ 25,794,145</u></u>

*See accompanying notes.*

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Notes to Financial Statements

September 30, 2013

**1. General Activities and Significant Accounting Policies**

The Contingent Fund of the State of Michigan (State) Department of Licensing and Regulatory Affairs, Unemployment Insurance Agency (Fund) was established under the provisions of the Michigan Employment Security Act of 1936. The financial statements of the Fund have been prepared in accordance with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for governmental accounting and financial reporting.

The Fund accounts for collections of interest and penalties on delinquent unemployment contributions from employers, misrepresentation penalties on wrongfully collected unemployment benefits from claimants, and a special unemployment tax surcharge imposed on certain employers known as Solvency Tax.

The Fund's financial statement amounts are included in the combined financial statements contained in the State's Comprehensive Annual Financial Report.

**Basis of Accounting**

The financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Under this measurement focus, revenues are recognized when they are earned and expenses are recognized when incurred, regardless of the timing of related cash flows.

**Cash**

For the purposes of the Statement of Cash Flows, the amount reported as cash and cash equivalents is equal to the amount on the Statement of Net Position classified as Equity in State of Michigan Treasurer's Common Cash. The State common cash pool consists of highly liquid investments and functions as both a cash management pool and demand deposit account.

**Allowance for Uncollectible Accounts**

An allowance for uncollectible accounts is provided for receivable balances where ultimate collection is doubtful as determined by management from their analysis of potential bad debts and prior years' experience. All balances as of September 30, 2013 were deemed collectible by management.

**Restricted Net Position**

Net position is restricted for administration of the Unemployment Insurance Agency funds and for the career development of unemployed individuals that need assistance.

State of Michigan  
Department of Licensing and Regulatory Affairs  
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Notes to Financial Statements (continued)

**1. General Activities and Significant Accounting Policies (continued)**

**Operating Revenues and Expenses**

Operating revenues primarily result from the collection of interest and penalties on delinquent unemployment contributions and misrepresentation penalties on wrongfully collected unemployment benefits. Operating expenses are specifically appropriated by the legislature. Revenues and expenses not meeting these definitions are reported as nonoperating revenues and transfers.

**Use of Estimates**

The preparation of the financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements. Actual results could differ from those estimates.

**2. Equity in State of Michigan Treasurer's Common Cash**

Equity in State of Michigan Treasurer's common cash pool represents the Fund's interest, at fair market value, in an investment pool managed by the Treasurer of the State. The Fund is credited quarterly with investment earnings and interest based upon average daily balances.

The investment authority for the common cash pool is found in Public Act 105 of 1855, as amended. The State Treasurer may invest surplus funds belonging to the State in the bonds, notes, and other evidences of indebtedness of the United States Government and its agencies; and in prime commercial paper. Certificates of deposit are permitted in financial institutions whose principal office is located in the State.

The Fund's pro-rata share of the State Treasurer's common cash pool was \$35,574,705 at September 30, 2013. For the total amount of deposits and investments in the State Treasurer's common cash pool and their specific risks please refer to the State's Comprehensive Annual Financial Report.

**Common Cash Deposits**

**Custodial Credit Risk**

The custodial credit risk for deposits is the risk that, in the event of failure of a depository financial institution, the State's deposits may not be recovered.

State of Michigan  
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Notes to Financial Statements (continued)

## **2. Equity in State of Michigan Treasurer’s Common Cash (continued)**

### **Common Cash Deposits (continued)**

Deposits are exposed to custodial credit risk if they are not covered by depository insurance and the deposits are:

- a. Uncollateralized,
- b. Collateralized with securities held by the pledging financial institution or,
- c. Collateralized with securities held by the pledging financial institution’s trust department or agent but not in the depositor-government’s name.

The State Treasurer’s common cash pool policy requires the following criteria to lessen the custodial credit risk: all financial institutions holding the State’s deposits must pledge collateral equal to the amount of the account balance for all demand and time deposits to secure the State’s funds. A bank, savings and loan association or credit union holding the State’s deposits must be organized under the laws of the State or federal law and maintain a principal office or branch office in the State. No deposit in any financial organization may be in excess of 50% of the net worth of the organization.

### **Foreign Currency Risk**

Foreign currency risk is the risk that changes in exchange rates will adversely affect the fair value of deposits.

Public Act 35 of 1997 requires State deposits be held in a financial institution which maintains a principal office or branch office located in the State. The State had no common cash pool deposits subject to foreign currency risk at September 30, 2013.

### **Common Cash Investments**

#### **Types of Investments**

State Treasurer’s common cash pool investments include prime commercial paper, corporate notes, and emergency municipal notes.

#### **Risk**

In accordance with GASB Statement No. 40, *Deposit and Investment Risk Disclosures*, investments also require certain disclosures regarding policies and practices with respect to the risks associated with them.

The custodial credit risk, credit risk, interest rate risk, concentration of credit risk, and foreign currency risk are discussed in the following paragraphs.

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Notes to Financial Statements (continued)

**2. Equity in State of Michigan Treasurer’s Common Cash (continued)**

**Common Cash Investments (continued)**

**Custodial Credit Risk**

Custodial credit risk for investments is the risk that, in the event of a failure by a counterparty, the Fund will not be able to recover the value of the investment or collateral securities that are in the possession of an outside party.

Investment securities are exposed to custodial credit risk if the securities are uninsured, are not registered in the name of the government, and are held by either:

The counterparty or,

The counterparty’s trust department or agent but not in the government’s name.

The State Treasurer’s common cash pool does not have an investment policy for managing custodial credit risk. At September 30, 2013, the State Treasurer’s common cash pool investments were not exposed to custodial credit risk.

**Credit Risk**

Credit risk is the risk that an issuer or another counterparty to an investment will not fulfill its obligations.

The State Treasurer’s common cash pool requires prime commercial paper investments be rated A-1 or P-1 at the time of purchase as rated by the two major rating services; Standard and Poor’s (A-1) and Moody’s (P-1). Borrowers must also have at least \$400 million in commercial paper outstanding and the State Treasurer may not invest in more than 10% of a borrower’s outstanding debt. The State Treasurer’s common cash pool investments are further limited to \$200 million in any borrower, unless the borrower has an A-1+ rating, in which case the investment is not to exceed \$300 million.

The State Treasurer’s investment in emergency municipal loans are evidenced by unrated notes held by the State in the State’s name. In addition, at September 30, 2013, prime commercial paper investments were rated at A-1, P-1, or above.

**Interest Rate Risk**

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment.

The State Treasurer’s common cash pool policy states that cash equivalents are to be invested in short-term fixed income securities with an average weighted maturity of less than one year to provide liquidity and safety of principal from capital market and default risk.

State of Michigan  
Department of Licensing and Regulatory Affairs  
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Notes to Financial Statements (continued)

## **2. Equity in State of Michigan Treasurer’s Common Cash (continued)**

### **Common Cash Investments (continued)**

#### **Interest Rate Risk**

The State Treasurer does not have a policy for controlling interest rate risk regarding the State Treasurer’s common cash pool investments in special loan programs (Emergency Financial Assistance Loan Program, Michigan Marina Dredging Loan Program, and Agriculture Disaster Relief Program). These loan programs are investments created through legislation. Although some interest rate risk exposure exists, interest rate risk is not a consideration when entering into the special loan programs.

#### **Concentration of Credit Risk**

Concentration of credit risk is the risk of loss attributable to the magnitude of a government’s investments with a single issuer.

The Fund is invested in pooled investments in the State Treasurer’s common cash pool, which is excluded from the concentration of credit risk disclosure requirements.

#### **Foreign Currency Risk**

Foreign currency risk is the risk that changes in exchange rates will adversely affect the fair value of investments.

The State Treasurer’s common cash pool investment policy does not allow for investment in foreign investments or currency; therefore, the Fund is not exposed to foreign currency risk.

## **3. Transfers**

The Fund records expenses to other State agencies for services received as transfers, in accordance with accounting policies established by the State.

## **4. Risk Management**

The State has established internal service funds to account for certain aspects of its risk management program. The Fund transfers money to these internal service funds to pay for coverage on these types of risks.

The State does not carry commercial insurance for many of the risks of losses to which it is exposed. The State is self-insured for most general liability and property losses, portions of its employee insurance benefit and employee bonding programs, automobile liability, and workers’ compensation and unemployment compensation claims. The State purchases some level of insurance coverage for portions of the State employee insurance benefits program, boiler and machinery coverage, and employee bonding. Information regarding current year claims and changes in estimates, claim payments and amount of claims liability is included in the State’s Comprehensive Annual Financial Report.

State of Michigan  
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Notes to Financial Statements (continued)

**5. Contingencies**

The Fund is involved in various claims and legal actions. Although it is not possible to predict the outcome of these matters, in the opinion of management, their ultimate disposition will not have a material effect on the financial position of the Fund.

**6. New Pronouncements**

During the year ended September 30, 2013, the Fund adopted the provisions of GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*. GASB Statement No. 63 provided financial reporting guidance for deferred outflows of resources and deferred inflows of resources. Concepts Statement No. 4, *Elements of Financial Statements*, introduced and defined those elements as a consumption of net assets by the government that is applicable to a future reporting period, and an acquisition of net assets by the government that is applicable to a future reporting period, respectively. Previous financial reporting standards do not include guidance for reporting those financial statement elements, which are distinct from assets and liabilities. Concepts Statement 4 also identifies net position as the residual of all other elements presented in a statement of financial position. GASB Statement No. 63 amends the net asset reporting requirements in GASB Statement No. 34, *Basic Financial Statements—and Management’s Discussion and Analysis—for State and Local Governments*, and other pronouncements by incorporating deferred outflows of resources and deferred inflows of resources into the definitions of the required components of the residual measure and by renaming that measure as net position, rather than net assets.