

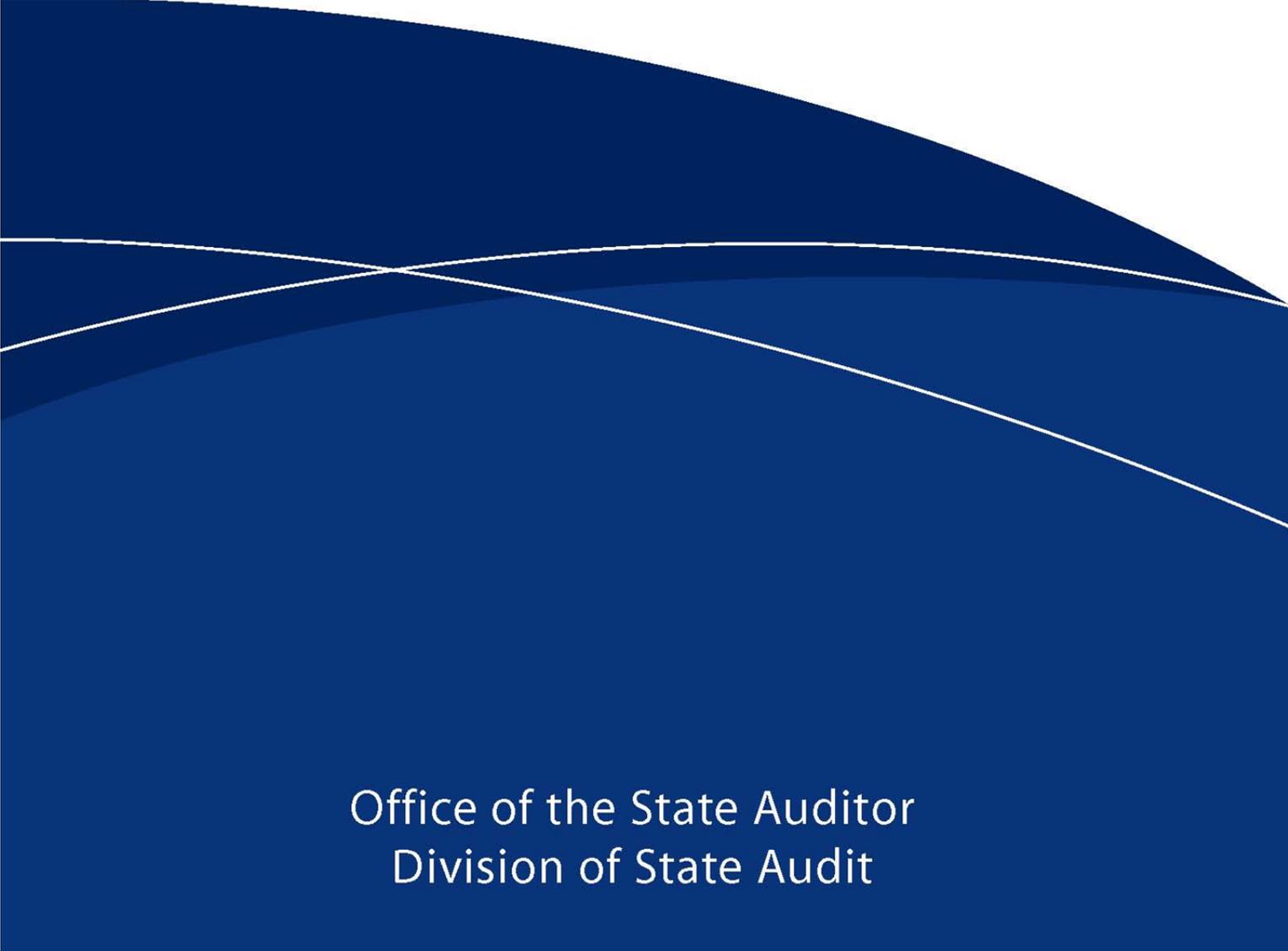
NORTH DAKOTA MILK MARKETING  
BOARD

BISMARCK, NORTH DAKOTA

**Audit Report**

For the Two Year Period Ended  
June 30, 2010

ROBERT R. PETERSON  
STATE AUDITOR



Office of the State Auditor  
Division of State Audit

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## *Independent Auditor's Report*

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Honorable John Hoeven, Governor

Members of the Legislative Assembly

Members of the North Dakota Milk Marketing Board

John Weisgerber, Jr., Director North Dakota Milk Marketing Board

We have audited the special-purpose statements of revenues and expenditures of the North Dakota Milk Marketing Board for the two-year period ended June 30, 2010. These special-purpose financial statements are the responsibility of the management of the North Dakota Milk Marketing Board. Our responsibility is to express an opinion on the special-purpose financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, 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 special-purpose financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the special-purpose financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall special-purpose financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in Note 1, these special-purpose financial statements are intended to present the revenues and expenditures of only that portion of the governmental activities of the state of North Dakota that is attributable to the transactions of the North Dakota Milk Marketing Board. They do not purport to, and do not, present fairly the financial position of the state of North Dakota, in conformity with accounting principles generally accepted in the United States of America.

The accompanying special-purpose financial statements are prepared to provide state decision makers, including the Senate and House Agriculture Committees, with a comprehensive overview of the North Dakota Milk Marketing Board's operations in accordance with NDCC section 4-24-10. The revenues and expenditures are reported as discussed in the first note to the special-purpose financial statements. These special-purpose financial statements are not intended to be a presentation in conformity with generally accepted accounting principles.

In our opinion, the special-purpose financial statements referred to above presents fairly, in all material respects, the revenues and expenditures of the North Dakota Milk Marketing Board for the two-year period ended June 30, 2010, in conformity with the basis of accounting described in Note 1 to the special-purpose financial statements.

Our audit was made for the purpose of forming an opinion on the special-purpose financial statements taken as a whole. The Detailed Comparative Schedule of Revenues and Expenditures subsequent to the notes is presented for purposes of additional analysis and is not a required part of the special-purpose financial statements of the North Dakota Milk Marketing Board. The Detailed Comparative Schedule of Revenues and Expenditures has been subjected to the auditing procedures applied in the audits of the special-purpose financial statements and in our opinion, is fairly stated in all material respects in relation to the special-purpose financial statements taken as a whole.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 6, 2010 on our consideration of the North Dakota Milk Marketing Board's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

This report is intended solely for the information of the Governor, Legislative Audit and Fiscal Review Committee, the Senate and House agriculture committees and management of the North Dakota Milk Marketing Board and is not intended to be and should not be used by anyone other than these specified parties.



Robert R. Peterson  
State Auditor

December 17, 2010

***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***

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Honorable John Hoeven, Governor  
Members of the Legislative Assembly  
Members of the North Dakota Milk Marketing Board  
John Weisgerber, Jr., Director, North Dakota Milk Marketing Board

We have audited the special-purpose financial statement of revenues and expenditures of the North Dakota Milk Marketing Board as of and for the two-year period ended June 30, 2010 and have issued our report thereon dated December 17, 2010. Our report was modified to indicate the statement of revenue and expenses was prepared in accordance with NDCC section 4-24-10 and is not intended to be a presentation in conformity with generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the North Dakota Milk Marketing Board's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the special-purpose financial statement, but not for the purpose of expressing an opinion on the effectiveness of the North Dakota Milk Marketing Board's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the North Dakota Milk Marketing Board's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying schedule of Findings, Recommendations, and Management Responses, we identified a certain deficiency in internal control over financial reporting that we consider to be material weaknesses.

*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. We consider the deficiency described in the accompanying schedule of Findings, Recommendations, and Management Responses to be a material weakness (Finding number 2010-01).

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the North Dakota Milk Marketing Board's special-purpose financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of special-purpose financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

The North Dakota Milk Marketing Board's response to the finding identified in our audit is described in the schedule of Findings, Recommendations, and Management Responses. We did not audit the North Dakota Milk Marketing Board's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the North Dakota Milk Marketing Board, Legislative Audit and Fiscal Review Committee, and members of the North Dakota Legislative Assembly, and is not intended to be and should not be used by anyone other than these specified parties.



Robert R. Peterson  
State Auditor

December 17, 2010

***Comparative Statement of Revenues and Expenditures  
(Budgetary Basis)***

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**North Dakota Milk Marketing Board**

For the Years Ended June 30, 2010 and 2010

<b><u>Revenues and Other Sources:</u></b>	<b><u>June 30, 2010</u></b>	<b><u>June 30, 2009</u></b>
Milk Volume Assessments	\$ 245,416	\$ 208,372
Interest on Investments	\$ 3,040	5,209
<b>Total Revenues and Other Sources</b>	<b><u>\$ 248,456</u></b>	<b><u>\$ 213,581</u></b>
<b><u>Expenses and Other Uses:</u></b>		
Salaries and Benefits	\$ 217,916	\$ 204,465
Operating Expenses	12,650	13,095
Travel	9,104	16,284
Professional Services	4,010	15,004
<b>Total Expenses and Other Uses</b>	<b><u>\$ 243,681</u></b>	<b><u>\$ 248,847</u></b>
<b>Excess (deficiency) of revenue of expenditures</b>	<b><u>\$ 4,775</u></b>	<b><u>\$ (35,266)</u></b>

# Notes to the Special-Purpose Financial Statements

## **NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The responsibility of these special-purpose financial statements, the internal control structure and compliance with laws and regulations belongs to the management of the North Dakota Milk Marketing Board. A summary of the significant accounting policies follows:

### **A. Reporting Entity**

For financial reporting purposes, the North Dakota Milk Marketing Board has included all funds, programs, and activities over which it is financially accountable. The North Dakota Milk Marketing Board does not have any component units as defined by the Governmental Accounting Standards Board. The North Dakota Milk Marketing Board is part of the state of North Dakota as a reporting entity. The financial statements report all expenditure activity in the administration program.

The North Dakota Milk Marketing Board was established by North Dakota Century Code (NDCC) chapter 4-18.1, and is vested with the powers and has the duty to supervise, regulate, and control the fluid milk industry of the state including the production, transportation, processing, storage, distribution, and sale of milk in the state and to conduct hearings upon any subject pertinent to its duties. The North Dakota Milk Marketing Board may act as a mediator or arbitrator to settle and controversy or issue pertaining to fluid milk among or between producers, processors, distributors, retailers, or consumers.

### **B. Reporting Structure**

The special-purpose financial statements include all activities of the reporting entity as defined above. In accordance with NDCC 4-18.1-12, these activities are funded on a continuing appropriation basis from a special revenue fund, fund 219 (Milk Marketing fund). The statement of revenues and expenditures is a combined statement to give the users an overview of the agency's activity.

### **C. Basis of Accounting**

Revenues and expenditures on the statement of revenues and expenditures are principally reported on the modified accrual basis of accounting, which is generally accepted accounting principles (GAAP) for governmental fund types. Because of the unique nature of North Dakota's accounting system and its appropriation laws, there are at times differences between the way expenditures are appropriated and GAAP. These differences are discussed below.

Under the modified accrual basis of accounting revenues are recognized when susceptible to accrual (i.e., measurable and available). Measurable means the amount can be determined, available means due and collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Revenues are considered available if they are collected within one year after fiscal year end. Expenditures are recorded when goods or services are received. Exceptions include: principal and interest expenditures which are recorded when due; compensated absences which are recorded when paid; and, claims and judgments.

As stated previously, there can be differences between revenues and expenditures reported on the state's accounting system and budget basis and those reported by the Office of Management and Budget in the state's CAFR in accordance with GAAP. Basically there are two types of differences: accounting and statutory.

Accounting differences can include:

- A. Loan receipts and loan disbursements are accounted for as revenues and expenditures on the state's accounting system (and at times are budgeted as expenditures).
- B. Certain transfers are sometimes recorded as revenues and expenditures on the state's accounting system.
- C. Expenditures recorded on the state's accounting system do not report expenditures relating to capital lease and other financing arrangements.

Statutory differences can occur because of North Dakota Century Code section 54-44.1-11. This section requires the Office of Management and Budget to cancel most unexpended appropriations 30 days after the end of each biennial period. Certain GAAP expenditures are not recorded as budgetary expenditures because the agency does not have the ability to pay the expenditures within 30 days after the end of the biennium. These are relatively rare occurrences, and when significant, will be clearly disclosed.

D. Other GAAP Reporting Differences

GAAP financial statements would include a balance sheet by fund type and account group. Revenues, expenditures, and expenses would also be reported by fund type. In addition a statement of cash flows would have been prepared for proprietary fund type activities. GAAP financial statements would also provide more complete note disclosures. This type of information is available in the state's comprehensive annual financial report and the Office of Management and Budget's combining statements by department.

For this report, revenues and expenditures are reported on a departmental basis to give an overview of the North Dakota Milk Marketing Board's operations. All revenues and expenditures are included regardless of the nature of the activities (proprietary fund types are included with governmental fund types when applicable).

**NOTE 2 – OTHER SIGNIFICANT ITEMS**

The North Dakota Milk Marketing Board has cash and investment reserves of \$219,899. Based on the average monthly expenditures for fiscal year 2010, this amount represents approximately 10 months of expenditures.

North Dakota Century Code section 4-18.1-12 states the North Dakota Milk Marketing Board shall levy an assessment upon all licensed processors of not more than fourteen cents per hundredweight. Effective February 1, 2009, the North Dakota Milk Marketing Board approved increasing the assessment to \$.125 per hundredweight.

## *Supplementary Information*

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### **Detailed Comparative Schedule of Revenues and Expenditures (Budgetary Basis)**

<b><u>Revenues and Other Sources:</u></b>	<b>June 30, 2010</b>	<b>June 30, 2009</b>
Milk Volume Assessments	\$ 245,416	\$ 208,372
Interest on Investments	3,040	5,209
<b>Total Revenues and Other Sources</b>	<b><u>\$ 248,456</u></b>	<b><u>\$ 213,581</u></b>
<b><u>Expenses and Other Uses:</u></b>		
Salaries and Benefits	\$ 217,916	\$ 204,465
Travel	9,104	16,284
Rent of Building Space	6,818	6,818
Legal	2,046	5,651
Telephone	1,641	1,624
Professional Development	1,189	2,354
Insurance	1,100	1,079
Postage	1,094	1,032
Audit	776	6,999
Office Supplies & Equipment	733	904
Periodicals and Subscriptions	671	346
Repairs	230	230
Awards, Rewards, and Prizes	200	300
Data Processing	162	527
Printing		235
<b>Total Expenses and Other Uses</b>	<b><u>\$ 243,681</u></b>	<b><u>\$ 248,848</u></b>
<b>Excess (Deficiency) of Revenue over Expenditures</b>	<b><u>\$ 4,775</u></b>	<b><u>\$ (35,266)</u></b>

## Responses to LAFRC Audit Questions

*The Legislative Audit and Fiscal Review Committee (LAFRC) requests that certain items be addressed by auditors performing audits of state agencies.*

- 1. What type of opinion was issued on the special-purpose financial statements?*

Unqualified.

- 2. Was there compliance with statutes, laws, rules, and regulations under which the agency was created and is functioning?*

Yes.

- 3. Was internal control adequate and functioning effectively?*

Other than our finding noted under "Findings, Recommendations, and Management Responses", we determined internal control was adequate.

- 4. Were there any indications of lack of efficiency in financial operations and management of the agency?*

No.

- 5. Has action been taken on findings and recommendations included in prior audit reports?*

There were no prior year findings.

- 6. Was a management letter issued? If so, provide a summary below, including any recommendations and the management responses.*

No.

## LAFRC Audit Communications

1. *Identify any significant changes in accounting policies, any management conflicts of interest, any contingent liabilities, or any significant unusual transactions.*

There were no significant changes in accounting policies; no management conflicts of interest were noted.

2. *Identify any significant accounting estimates, the process used by management to formulate the accounting estimates, and the basis for the auditor's conclusions regarding the reasonableness of those estimates.*

There were no significant accounting estimates.

3. *Identify any significant audit adjustments.*

We increased fiscal year 2009 milk assessment revenue by \$23,570 and decreased fiscal year 2010 milk assessment revenue by the net amount of \$10,820 as a result of the finding noted at "Findings, Recommendations, and Management Responses".

4. *Identify any disagreements with management, whether or not resolved to the auditor's satisfaction relating to a financial accounting, reporting, or auditing matter that could be significant to the financial statements.*

We are pleased to report that no significant disagreements arose during the course of our audit.

5. *Identify any serious difficulties encountered in performing the audit.*

None.

6. *Identify any major issues discussed with management prior to retention.*

This is not applicable for audits conducted by the Office of the State Auditor.

7. *Identify any management consultations with other accountants about auditing and accounting matters.*

None.

8. *Identify any high-risk information technology systems critical to operations based on the auditor's overall assessment of the importance of the system to the agency and its mission, or whether any exceptions identified in the six audit report questions to be addressed by the auditors are directly related to the operations of an information technology system.*

ConnectND Finance and Human Resource Management System (HRMS) are the most high-risk information technology systems critical to the North Dakota Milk Marketing Board.

## **Findings, Recommendations, and Management Responses**

### **Finding 2010-01: Milk Assessment Receivables Not Applied to the Proper Fiscal Year**

#### **Condition**

Revenue received in July 2009 and 2010 was not applied back to the proper fiscal year.

#### **Effect**

The revenues for fiscal year 2009 were understated by \$23,570. The revenues for fiscal year 2010 were overstated by \$10,820.

#### **Cause**

The period to apply back these transactions in PeopleSoft had closed and the client did not include these transactions on a closing package.

#### **Criteria**

The accrual basis of accounting requires that revenues should be recorded in the fiscal year in which they are earned, regardless of when payment is received. Transactions are considered earned when an enforceable legal claim has arisen.

#### **Recommendation**

We recommend the North Dakota Milk Marketing Board properly apply revenue to the proper fiscal year. After the Office of Management and Budget's transaction cut off period within ConnectND, the revenue and related receivables should be reported using the appropriate CAFR closing package.

#### **North Dakota Milk Marketing Board Response**

North Dakota Milk Marketing Board Management concurs.

Revenue will be applied back using the appropriate CAFR closing package on the next annual CAFR closing package period.

## **Governance Communication**

December 17, 2010

To: The North Dakota Milk Marketing Board  
The Legislative Audit and Fiscal Review Committee

We have audited the financial statements of the governmental activities of the North Dakota Milk Marketing Board for the two year period ended June 30, 2010, and have issued our report thereon dated December 6, 2010. Professional standards require that we provide you with the following information related to our audit.

### **Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by North Dakota Milk Marketing Board are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during fiscal years 2009 and 2010. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There is one significant transaction that has been recognized in the special-purpose financial statements in a different period than when the transaction occurred.

### **Difficulties Encountered in Performing the Audit**

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### **Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Finding 2010-01 lists material misstatements detected as a result of audit procedures and were corrected by management.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

## **Management Representations**

We have requested certain representations from management that are included in the management representation letter dated December 6, 2010.

## **Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

## **Other Audit Findings or Issues**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention. It should be noted that the retention of the State Auditor is a matter of state law and is not under the control of the North Dakota Milk Marketing Board.

This information is intended solely for the use of the North Dakota Milk Marketing Board and management of the North Dakota Milk Marketing Board and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,



Andrea Wike  
Auditor in-charge

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