



Financial Statements
June 30, 2022 and 2021
**COVID-19 PACE Recovery
Program**

COVID-19 PACE Recovery Program

Table of Contents

	<u>Exhibit</u>	<u>Page</u>
INDEPENDENT AUDITOR’S REPORT		1
MANAGEMENT’S DISCUSSION AND ANALYSIS		4
FINANCIAL STATEMENTS		
Balance Sheet		8
Statement of Revenues, Expenditures and Changes in Fund Balance		9
Notes to Financial Statements		10
EXHIBITS		
Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	A-1	14
Independent Auditor’s Comments Requested by the North Dakota Legislative Audit and Fiscal Review Committee	A-2	16
Independent Auditor’s Communication to the Governor of North Dakota and the Legislative Assembly	B-1	19



Independent Auditor's Report

To the Government of North Dakota
and the Legislative Assembly
State of North Dakota
Bismarck, North Dakota

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of the COVID-19 PACE Loan Program (the Program), a special revenue fund of the State of North Dakota, as of and for the years ended June 30, 2022 and 2021, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the financial position of the Program, as of June 30, 2022 and 2021, and the changes in its financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards (Government Auditing Standards)*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Program, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter

As discussed in Note 1, the financial statements of the Program are intended to present the financial position and the changes in financial position of only that portion of the State of North Dakota that is attributable to the transactions of the Program. They do not purport to, and do not, present fairly the financial position of the State of North Dakota as of June 30, 2022 and 2021, and the changes in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for 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 Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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 Program's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 7 be presented to supplement the basic financial statements. Such information is the responsibility of management and 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 Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated September 22, 2022 on our consideration of the Program'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 solely 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 effectiveness of the Program's 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 Program's internal control over financial reporting and compliance.



Bismarck, North Dakota
September 22, 2022

**COVID-19 PACE RECOVERY PROGRAM
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2022, 2021, and 2020**

The management discussion and analysis of the COVID-19 PACE Recovery Program's financial performance provides an overview of the Program's financial activities for the fiscal years ended June 30, 2022 and 2021 and for the period ended June 30, 2020. Please read it in conjunction with the financial statements of the Program.

FINANCIAL HIGHLIGHTS:

The purpose of the COVID-19 PACE Recovery Program is to assist local financial institutions in providing low interest loans and grants to support North Dakota businesses in their economic recovery due to negative impacts from the COVID-19 pandemic.

The North Dakota Emergency Commission approved federal Coronavirus Aid, Relief, and Economic Security (CARES) Act dollars of up to \$200 million to be utilized for interest rate buydowns in May of 2020. In September of 2020, the North Dakota Budget Commission reduced the original commitment of \$200 million to \$50 million to be used between the two programs, CPR I and CPR II. An additional \$20 million was approved to be used between the CPR I and CPR II programs in October of 2020 by the North Dakota Budget Commission. Applications were accepted through November 30, 2020 for both the CPR I and CPR II programs. The program received \$6,100, \$63,604,824, and \$6,000,000 in the years ended June 30, 2022 and 2021 and for the period ended June 30, 2020.

COVID-19 PACE Recovery Program loans are made by a lead lender in participation with Bank of North Dakota. There were no loans originated during the year ended June 30, 2022. There were 227 loans originated for \$267,680,496 during the year ended June 30, 2021. There were 41 loans originated for \$44,822,531 during the year ended June 30, 2020. Currently there are 252 loans outstanding. The total principal outstanding is \$269,314,791 of which BND participates in \$174,329,915. The remaining amount of buydown interest to be paid by this Fund on these loans is \$19,515,480. The program is no longer accepting applications. There are no pending loan commitments.

COVID-19 PACE Recovery Program grants were funded to businesses with a location in North Dakota and that were current on all financial obligations as of March 13, 2020. To qualify the applicant must have sustained a minimum 20% year-over-year gross revenue loss between April 1, 2019 to September 30, 2019 when compared to the same period in 2020. No grant expenditures were disbursed during the period ended June 30, 2022. Total grant expenditures of \$35,584,051 were disbursed to 812 applicants during the year ended June 30, 2021. No grant expenditures were disbursed during the period ended June 30, 2020.

REQUIRED FINANCIAL STATEMENTS:

The COVID-19 PACE Recovery Program is a special revenue fund and uses the modified accrual basis of accounting. The basic financial statements include the balance sheet and the statement of revenues, expenditures and changes in fund balances. The balance sheet provides readers the assets and liabilities of the Program, with the differences between the two reported as fund balance. The statement of revenues, expenditures and changes in fund balance identifies the operating performance of the Program for the year.

**COVID-19 PACE RECOVERY PROGRAM
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2022, 2021, and 2020**

**BALANCE SHEETS
JUNE 30, 2022, 2021, and 2020**

	<u>2022</u>	<u>2021</u>	<u>2020</u>
ASSETS			
Cash deposits	\$ -	\$ 1,282,720	\$ 2,048,419
Cash deposits for restricted buydowns	<u>19,515,480</u>	<u>28,178,889</u>	<u>3,949,467</u>
TOTAL ASSETS	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>	<u>\$ 5,997,886</u>
LIABILITIES			
	\$ -	\$ -	\$ -
FUND BALANCE	<u>19,515,480</u>	<u>29,461,609</u>	<u>5,997,886</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>	<u>\$ 5,997,886</u>

Cash Deposits

Cash deposits (not restricted) represents available funds.

Cash Deposits for Restricted Buydowns

Cash deposits for restricted buydowns represents reserved funds that are held by the Bank of North Dakota to buy down the interest for qualifying loans. Cash deposits for restricted buydowns decreased in 2022 by \$8,663,409 due to buydown expensed. Cash deposits for restricted buydowns increased in 2021 by \$24,229,422 due to the short-term offering of the program and large number of qualifying applicants.

Fund Balance

The Fund Balance represents funds available to the Program. Fund balance of the program as of June 30, 2022, 2021, and 2020 was \$19,515,480, \$29,461,609, and \$5,997,886, respectively. The fund balance increased by \$23,463,723 from 2020 to 2021 due to federal CARES Act Dollars from the Office of Management and Budget. The fund balance decreased by \$9,946,129 from 2021 to 2022 due to interest expenditures.

**COVID-19 PACE RECOVERY PROGRAM
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2022, 2021, and 2020**

**CONDENSED STATEMENTS OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
YEARS ENDED JUNE 30, 2022 and 2021, and PERIOD OF MAY 26, 2020 THROUGH JUNE 30, 2020**

	<u>2022</u>	<u>2021</u>	<u>2020</u>
REVENUES	\$ -	\$ -	\$ -
EXPENDITURES	<u>8,679,409</u>	<u>40,141,101</u>	<u>2,114</u>
EXCESS OF EXPENDITURES OVER REVENUES	(8,679,409)	(40,141,101)	(2,114)
TRANSFERS IN	6,100	63,604,824	6,000,000
TRANSFERS (OUT)	<u>(1,272,820)</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	(9,946,129)	23,463,723	5,997,886
FUND BALANCE, BEGINNING OF YEAR	<u>29,461,609</u>	<u>5,997,886</u>	<u>-</u>
FUND BALANCE, END OF YEAR	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>	<u>\$ 5,997,886</u>

Expenditures

The monies that are being paid to the Bank of North Dakota to buy down the interest rate for qualifying loans are paid in advance and are amortized over the life of the loans based upon the repayment terms of the individual qualifying loan. Interest expenditures increased due to the short-term offering of the program and the volume of loans. Grant expenditures disbursed through the CPR II Program.

Transfers In/Out

For the year ended June 30, 2022, the Office of Management and Budget transferred \$6,100 into the Program and the Program returned \$1,272,820 in unspent COVID Relief Funding dollars back to Office of Management and Budget. For the year ended June 30, 2021, the Office of Management and Budget transferred \$63,604,824 into the Program. For the period ended June 30, 2020, the Office of Management and Budget transferred \$6,000,000 into the Program.

ECONOMIC FACTORS AND FUTURE OUTLOOK

The North Dakota Emergency Commission approved federal CARES Act dollars of up to \$200 million to be utilized for interest rate buydowns. In September of 2020, the North Dakota Budget Commission reduced the original commitment of \$200 million to \$50 million to be used between the two programs, CPR I and CPR II. An additional \$20 million was approved to be used between the CPR I and CPR II programs in October of 2020 by the North Dakota Budget Commission.

**COVID-19 PACE RECOVERY PROGRAM
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2022, 2021, and 2020**

CONTACTING THE PROGRAM'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, customers and creditors with a general overview of the Program's finances and to demonstrate the Program's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Bank of North Dakota, P.O. Box 5509, Bismarck, North Dakota 58506-5509.

COVID-19 PACE RECOVERY PROGRAM
BALANCE SHEETS
JUNE 30, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ASSETS		
CURRENT ASSETS		
Cash deposits at the Bank of North Dakota	\$ -	\$ 1,282,720
Cash deposits at the Bank of North Dakota for restricted buydowns	<u>19,515,480</u>	<u>28,178,889</u>
TOTAL ASSETS	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>
LIABILITIES	\$ -	\$ -
FUND BALANCE		
Restricted	<u>19,515,480</u>	<u>29,461,609</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>

COVID-19 PACE RECOVERY PROGRAM
STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEARS ENDED JUNE 30, 2022 and 2021

	<u>2022</u>	<u>2021</u>
REVENUES	\$ -	\$ -
EXPENDITURES		
Buydown interest	8,663,409	4,549,050
Grant Expenditures	-	35,584,051
Other Expenses	16,000	8,000
	<u>(8,679,409)</u>	<u>(40,141,101)</u>
EXCESS OF EXPENDITURES OVER REVENUES		
	(8,679,409)	(40,141,101)
OTHER FINANCING SOURCES (USES)		
Transfers in	6,100	63,604,824
Transfers (out)	(1,272,820)	-
	<u>(1,266,720)</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	(9,946,129)	23,463,723
FUND BALANCE, BEGINNING OF YEAR	<u>29,461,609</u>	<u>5,997,886</u>
FUND BALANCE, END OF YEAR	<u>\$ 19,515,480</u>	<u>\$ 29,461,609</u>

COVID-19 PACE RECOVERY PROGRAM
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022 and 2021

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The COVID-19 PACE Recovery Program (the Program) was created to assist local financial institutions in providing low interest loans and grants to support North Dakota businesses in their economic recovery due to negative impacts from the COVID-19 pandemic. The Bank of North Dakota supervises and administers the Program.

Borrowers eligible through CPR I included a person or entity whose business was located in North Dakota, had the capacity or history of showing it can service debt prior to the COVID-19 pandemic, and the local lender determined that the borrower's business has incurred economic injury as a result of the pandemic. Proceeds may be used to support working capital needs or term out COVID-19 related bridge loans or credit card debt originated on or after March 13, 2020. This amount may not exceed 20% of the maximum loan amount. For businesses of 500 or fewer employees, the maximum loan amount was the lesser of \$5,000,000 or six months of operating expenses plus interest. For businesses of 501 employees or more, the maximum loan amount was the lesser of \$10,000,000 or six months of operating expenses plus interest. The Bank of North Dakota's participation percentage may not exceed 80% nor be less than 50% of the total loan. The Program then buys down the interest rate of the loan to 1%.

Grantees eligible through the CPR II included businesses with a location in North Dakota and that were current on all financial obligations as of March 13, 2020. To qualify the applicant must have sustained a minimum 20% year-over-year gross revenue loss between April 1, 2019 to September 30, 2019 when compared to the same period in 2020. The maximum amount of buydown is the total of eligible interest expense accrued by a qualifying applicant between April 1, 2020 and September 30, 2020 or \$50,000, whichever is less. Buydown received from other BND buydown programs shall be excluded from eligible interest.

Reporting Entity

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 61, *The Financial Reporting Entity: Omnibus*, the Program should include all component units over which the Program exercises such aspects as (1) appointing a voting majority of an organization's governing body and (2) has the ability to impose its will on that organization, or (3) the potential for the organization to provide specific financial benefits to, or impose specific financial burdens on, the Program.

Based on that criteria, no organizations were determined to be part of the reporting entity. The Program is included as part of the primary government of the State of North Dakota's (State) reporting entity.

Accounting Standards

The Program follows the pronouncements of the Governmental Accounting Standards Board, which is the nationally accepted standard setting body for establishing generally accepted accounting standards for governmental entities.

COVID-19 PACE RECOVERY PROGRAM
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022 and 2021

Fund Accounting

The Program is a special revenue fund and uses the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e. measurable and available). Measurable means the amount of the transaction 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. The State has defined available as being collected within one year.

Basis of Accounting and Measurement Focus

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. Special revenue funds are accounted for using the current financial resources measurement focus. With this measurement focus, generally only current assets and current liabilities are included on the balance sheet. Operating statements for these funds present increases (e.g., revenues and other financing sources) and decreases (e.g., expenditures and other financing uses) in net current assets.

Credit Related Financial Instruments

In the ordinary course of business, the Program has entered into commitments to buy down interest rates on loans. Such financial instruments are recorded when they are funded.

Fund Balance Classifications

Governmental funds classify fund balance based on the constraints imposed on the uses of these resources. The spendable portion of the fund balance consists of committed fund balance. These amounts can only be used for specific purposes pursuant to constraints imposed by the North Dakota State Legislature – the government’s highest level of decision making authority. These restricted amounts cannot be used for any other purpose unless it meets the requirements of the grantors or laws and regulations of other governments; or through constitutional provisions or enabling legislation. This classification also includes contractual obligations to the extent that existing resources in the fund have been specifically restricted for use in satisfying those contractual requirements.

Grant Expenditures

Grant expenditures consist of CPR II program funds granted to eligible businesses. The Program did not recognize grant expenditures during the year ended June 30, 2022. The Program recognized grant expenditures of \$35,584,051 during the year ended June 30, 2021.

COVID-19 PACE RECOVERY PROGRAM
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022 and 2021

NOTE 2 - DEPOSITS

The carrying value and bank balance of the Program's cash deposits at June 30, 2022 and 2021 was \$0 and \$1,282,720. Of the bank amounts, none were insured or collateralized with securities held by the entity or its agent in the entity's name; none were collateralized with securities held by the counterparty's trust department or agent in the entity's name; and all were either collateralized with securities held by the counterparty or by its trust department or agent but not in the entity's name, or collateralized. These monies are deposited in the Bank of North Dakota and are guaranteed by the State of North Dakota (NDCC Section 6-09-10).

Custodial and Concentration of Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, the Program will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The Program does not have a formal policy that limits custodial credit risk for deposits. The Program's deposits are held at the Bank of North Dakota and are guaranteed by the State of North Dakota (NDCC Section 06-09-10).

NOTE 3 - CASH DEPOSITS AT BANK OF NORTH DAKOTA FOR RESTRICTED BUYDOWNS

The monies that are being held by the Bank of North Dakota to buy down the interest rate for qualifying loans are paid in advance. Buydown interest is amortized over the life of the loans based upon the repayment terms of the individual qualifying loan. In the event of prepayment or default on qualifying loans, the full approved buydown interest will be awarded to the qualifying loan.

NOTE 4 - RELATED PARTY TRANSACTIONS

The Program is supervised and administered by the Bank of North Dakota. All cash accounts are deposited in the Bank of North Dakota. In lieu of an administrative fee, the Bank of North Dakota does not pay interest to the Program on the cash accounts held at the Bank of North Dakota. Interest buydowns amortized into interest expense totaled \$8,663,409 and \$4,549,050 in 2022 and 2021, of which approximately 66% accrued to the Bank of North Dakota.

The Program also has on deposit with the Bank of North Dakota monies used to fund the interest buydowns on qualifying loans, which is included in "cash deposits for restricted buydowns" on the balance sheet (see Note 3).

The North Dakota Emergency Commission approved federal CARES Act dollars of up to \$200 million to be utilized for interest rate buydowns. In September of 2020, the North Dakota Budget Commission reduced the original commitment of \$200 million to \$50 million to be used between the two programs, CPR I and CPR II. An additional \$20 million was approved to be used between the CPR I and CPR II programs in October of 2020 by the North Dakota Budget Commission. For the year ended June 30, 2022, the Office of Management and Budget transferred \$6,100 into the Program and the Program returned \$1,272,820 in unspent COVID Relief Funding dollars back to Office of Management and Budget. For the year ended June 30, 2021, the Office of Management and Budget transferred \$63,604,824 into the Program.

COVID-19 PACE RECOVERY PROGRAM
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022 and 2021

NOTE 5 - RISK MANAGEMENT

The Program is exposed to various risks of loss related to torts and errors and omissions. The Program is administered by the Bank of North Dakota and, therefore, is eligible to the same funds/pools established by the state for risk management issues. These include:

The 1995 Legislative Session established the Risk Management Fund (RMF), an internal service fund, to provide a self-insurance vehicle for funding the liability exposures of State Agencies resulting from the elimination of the State's sovereign immunity. The RMF manages the tort liability of the State, its agencies' employees, and the University System. All State agencies participating in the RMF and their fund contribution was determined using a projected cost allocation approach. The statutory liability of the State is limited to a total of \$250,000 per person and \$1,000,000 per occurrence.

The State Bonding Fund currently provides the Program with blanket employee fidelity bond coverage in the amount of \$2,000,000. The State Bonding Fund does not currently charge any premium for this coverage.

There have been no significant reductions in insurance coverage from the prior year and settled claims resulting from these risks have not exceeded insurance coverage.



Independent Auditor's 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*

Governor of North Dakota
and the Legislative Assembly
State of North Dakota
Bismarck, North Dakota

We have audited, 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, the financial statements of the COVID-19 PACE Loan Program (the Fund), a special revenue fund of the State of North Dakota, as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Fund's basic financial statements, and have issued our report thereon dated September 22, 2022.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Fund's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Fund'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 over financial reporting 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 financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not yet been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Fund's financial statements are free from 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 financial statements. 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*.

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 results of that testing, and not to provide an opinion on the effectiveness of the Fund'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 entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Eide Sully LLP". The signature is written in a cursive, flowing style.

Bismarck, North Dakota
September 22, 2022



**COVID-19 PACE Loan Program
Auditor's Specific Comments Requested by the North Dakota Legislative Audit and
Fiscal Review Committee
Year Ended June 30, 2022**

Governor of North Dakota
and the Legislative Assembly
State of North Dakota
Bismarck, North Dakota

The Legislative Audit and Fiscal Review Committee requires that certain items be addressed by independent certified public accountants performing audits of state agencies. The items and our responses are as follows:

1. What type of opinion was issued on the financial statements?

Unmodified

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?

Yes

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 year audit reports?

Yes

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

No

Audit Committee Communications:

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

None

2. Identify any significant accounting estimates and the process used by management to determine those estimates.

None

3. Identify any significant audit adjustments.

None

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

None

5. Identify any significant difficulties encountered in performing the audit.

None

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

None

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 addressed above are directly related to the operations of an information technology system.

Based on the audit procedures performed, the Fund's critical information technology system is the Fiserv system. There were no exceptions identified that were directly related to this application.

This report is intended solely for the information and use of the Governor of North Dakota, Legislative Assembly, North Dakota Industrial Commission, Bank of North Dakota Advisory Board and management of the Fund and is not intended to be and should not be used by anyone other than these specified parties.

Eide Bailly LLP

Bismarck, North Dakota
September 22, 2022



September 22, 2022

To the Governor of North Dakota
and the Legislative Assembly
State of North Dakota
Bismarck, North Dakota

We have audited the financial statements of COVID-19 PACE Loan Program (the Program) as of and for the year ended June 30, 2022, and have issued our report thereon dated September 22, 2022. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards*

As communicated in our letter dated July 26, 2022, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing 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 over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Program solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding a significant control deficiency during our audit in our Independent Auditor's 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* dated September 22, 2022.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

As stated in our auditor’s report, professional standards require us to design our audit to provide reasonable assurance that the financial statements are free of material misstatement whether caused by fraud or error. In designing our audit procedures, professional standards require us to evaluate the financial statements and assess the risk that a material misstatement could occur. Areas that are potentially more susceptible to misstatements, and thereby require special audit considerations, are designated as “significant risks”. We have identified the following as significant risks.

- Management Override of Internal Control – Management override of internal controls is considered to be a presumed audit risk.
- Buydown Interest Risk – There exists a significant risk in the accuracy of the calculation and recording of buydown interest expense.

Qualitative Aspects of the Entity’s Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Fund is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management’s current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management’s current judgments. No such significant accounting estimates were identified.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. There were no financial statement disclosures that we consider to be particularly sensitive or involve significant judgement.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit. There were no uncorrected or corrected misstatements identified as a result of our audit procedures.

Disagreements with Management

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

Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report.

We have made the following modification to our auditor's report to add an Emphasis of Matter paragraph:

As discussed in Note 1, the financial statements of the Program are intended to present the financial position and the changes in financial position of only that portion of the State of North Dakota that is attributable to the transactions of the Program. They do not purport to, and do not, present fairly the financial position of the State of North Dakota as of June 30, 2022 and 2021, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Representations Requested from Management

We have requested certain written representations from management which are included in the management representation letter dated September 22, 2022.

Management’s Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Fund, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating conditions affecting the entity, and operating plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Program’s auditors.

This report is intended solely for the information and use of the Governor of North Dakota, Legislative Assembly, North Dakota Industrial Commission, Bank of North Dakota Advisory Board and management of The Program and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in cursive script that reads "Eric Sully LLP".

Bismarck, North Dakota