



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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Spencer Shifflet, Chairman
Furnas County Board of Commissioners
912 R Street
Beaver City, NE 68926

Dear Chairman Shifflet:

As you may know, the Nebraska Auditor of Public Accounts (APA) received an allegation that a member of the Furnas County (County) Board of Commissioners (Board) has been using County-owned equipment for personal purposes. In response to that concern, the APA began limited preliminary planning work to determine if a full financial audit or attestation would be warranted. Pursuant thereto, the APA requested certain information regarding personal use of the County's equipment.

Based upon a review of the information provided, the APA has determined that a financial audit or attestation by our office is not required at this time. Nevertheless, during the course of the preliminary planning work, the APA noted a certain issue that merits corrective action, as presented below.

Lack of Policy Regarding Use of Equipment

The APA received an allegation that a Board member has used County-owned equipment for personal purposes. According to the Deputy County Attorney in Furnas County, similar complaints were received by his office earlier this summer.

The allegation regarding the Board member's personal use of County equipment was not denied. However, despite having policies governing the use of County vehicles, as well computer and electronic technology usage, County officials acknowledged lacking a formal policy related to the use of all County-owned equipment.

Neb. Rev. Stat. § 49-14,101.01(2) (Reissue 2010) of the Nebraska Political Accountability and Disclosure Act (Act), which is set out at Neb. Rev. Stat. § 49-1401 (Cum. Supp. 2018) et seq., restricts the use of property under the "official care and control" of a public official or public employee, as follows:

A public official or public employee shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

Per subsection (7) of that same statute, "[A]ny person violating this section shall be guilty of a Class III misdemeanor"

The prohibition in § 49-14,101.01(2) applies to all public property.

Without formal policies governing the use of all County-owned equipment, there is an increased risk that such equipment will be used, contrary to State statute, for personal purposes.

We recommend the County implement a formal policy clarifying that personal use of any County-owned equipment is prohibited and provide a copy of that approved policy to the APA. Moreover, because the allegation addressed herein involves a possible violation of the Act, the APA will forward this information to the Nebraska Accountability and Disclosure Commission.

County Response: Furnas County is adopting a policy for the use of all County property.

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The preliminary planning work that resulted in this letter was designed primarily on a test basis and, therefore, may not bring to light all existing weaknesses in the entity's policies or procedures.

Draft copies of this letter were furnished to the entity to provide its management with an opportunity to review and to respond to the comment and recommendation contained herein. Any formal response received has been incorporated into the letter.

If you have any questions regarding the above information, please contact our office.

Sincerely,



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cc: Morgan Farquhar, Deputy County Attorney
Nebraska Accountability and Disclosure Commission