



## NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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August 26, 2025

James Rabe, Chairperson  
Wayne County Board of Commissioners  
510 N Pearl St.  
Wayne, NE 68787

Dear Chairperson Rabe:

As you may know, the Nebraska Auditor of Public Accounts (APA) has received allegations that a current Wayne County (County) Commissioner, Dean Burbach, has been using for his own benefit Menards rebates earned through the expenditure of County funds. As a result, the APA began limited preliminary planning work to determine if a full financial audit or attestation would be warranted. Pursuant thereto, the APA obtained financial records and other relevant documentation from the County. Based on the outcome of this preliminary planning work, including an analysis of the information obtained, the APA has determined that a separate financial audit or attestation is unnecessary at this time, as the County is audited on an annual basis.

Nevertheless, during the course of the preliminary planning work, the APA noted a certain issue that merits corrective action.

### **Background Information**

The County is a political subdivision established under and governed by the laws of the State of Nebraska. The County Board of Commissioners (Board) is the governmental body responsible for exercising financial accountability and control over activities relevant to the operations of the County. Board members are elected by the public and have broad decision-making authority, including the power to levy taxes, the ability to exert significant influence over all County operations, and the primary responsibility for related fiscal matters.

The following comment and recommendation, which has been discussed with the appropriate members of the County and its management, is intended to improve internal control or result in other operating efficiencies.

### **Comment and Recommendation**

#### **Menards Rebates**

The County maintains a charge account with Menards, which it utilizes to purchase general supplies and other items. Between June 1, 2024, and August 31, 2024, 14 transactions, totaling \$7,434.48, were made on the County's charge account. Eight of those transactions were signed off by either County Commissioner Dean Burbach or his son, Ryan Burbach. Menards frequently offers an 11% rebate on purchases, which was earned on all 14 of the expenditures at issue. The rebate information is included at the bottom of the original transaction receipt. In order to redeem a rebate, one must fill out a rebate form and mail it, along with the rebate section of the original transaction receipt, to Menards. The APA received allegations that Commissioner Burbach has redeemed rebates earned from purchases made through the County's Menards charge account, subsequently using them to purchase items for his own personal use.

The APA observed from information made available through the “Rebates International” website (<https://www.rebateinternational.com/RebateInternational/trackRebate.do>) that three Menards rebates of \$183.67, \$138.43, and \$304.70 – which were earned partially from purchases made on the County’s charge account – were issued and redeemed under Commissioner Burbach’s name and home address. The following table summarizes those rebates:

Rebate Number	County Funds Portion	Personal Funds Portion	Total Rebate Amount	Total Amount Spent	Amount Remaining as of 7/28/25
6352634809	\$170.53	\$13.14	\$183.67	\$183.67	\$0.00
6353726170	\$116.08	\$22.35	\$138.43	\$138.43	\$0.00
6358227304	\$304.70	\$0.00	\$304.70	\$304.70	\$0.00
<b>Totals</b>	<b>\$591.31</b>	<b>\$35.49</b>	<b>\$626.80</b>	<b>\$626.80</b>	<b>\$0.00</b>

Commissioner Burbach appears to have used portions of the above rebates for his own personal benefit. Per County representatives, there are neither procedures for tracking rebates earned on County purchases nor a formal policy for handling such rebates. Nevertheless, it has been a practice for Menards receipts – including, as mentioned previously, the rebate information at the bottom thereof – to be returned to the County. In August 2024, however, certain rebate information appears to have started being removed from the Menards receipts. That rebate information was never remitted to the County; instead, Commissioner Burbach appears to have redeemed the rebates in his name.

The three Menards rebates detailed in the above table were used – along with other forms of payment, including what appears to have been Commissioner Burbach’s own funds – in seven transactions, totaling \$749.33.

The table below provides a breakdown of how the different tenders were used to pay for the seven transactions at issue:

Number of Transactions	County Funds Spent	Personal Funds Spent	Total Transactions Amount
7	\$591.31	\$158.02	\$749.33

The above purchases, which were made, at least partially, with Menards rebates earned by the County, are detailed in **Exhibit A** herein.

Documentation obtained by the APA reveals that a significant number of the items purchased at Menards through the above transactions appear to have been for personal use rather than for the County’s benefit.

One such transaction, made on December 15, 2024, which consisted of several apparently personal items purchased with a County rebate, is detailed in the following table:

Item #	Quantity	Item Description	APA Description	Price Paid
1111367	4	2X8-16’ AC2 GREEN TREATEDGROUND CONTACT	Lumber	\$94.40
7152130	1	50" X 60" FLEECE THROW ELEPHANT	Blanket	\$1.69
2326961	1	12X2-3/4" TEKS PFH WING 21386	Screws	\$49.98
6408205	1	UTILITY LIGHTER ZY-3884-1PK	Lighter	\$0.97
2751869	1	WHOOPEE CUSHION 14474606	Whoopee Cushion	\$1.00
6408209	2	CLICK N FLAME CLASSIC MLA220	Lighter	\$4.98
4739463	1	KITCHEN SPATULA ASST MESILG4	Spatula	\$1.11
5715709	2	80 COUNT BABY WIPES 80	Baby wipes	\$2.00
4739461	1	KITCHEN SPOON ASST MESILG2	Kitchen spoon	\$1.11
4736848	1	GLAD EGG WHISK GLD-71371	Whisk	\$2.29
4736826	1	COPPER OVEN LINER 2PK SI-2060C	Oven liner	\$1.99
5710643	4	COLGATE CAVITY PROTECTIONMX03551A 4OZ	Toothpaste	\$4.00
2797475	1	BRIGHT BABY BOATS 01836204654	Toy Boats	\$1.50
5710965	2	CURAD FIRST AID 15PC CURFAK01	First aid kit	\$2.00
2794992	2	STANDARD PLAYING CARDS BRY003579U	Playing cards	\$1.58
2821325	1	18CT BOXED CARDS ASSORTED	Christmas cards	\$3.59
6604163	1	100 CT VEN PF VINYL L/XL VEN4135PF	Vinyl gloves	\$6.99
7152137	1	50" X 60" FLEECE THROW DOG WIH BONE	Blanket	\$1.69

Item #	Quantity	Item Description	APA Description	Price Paid
2792831	1	FLASH CARD SCHOOL ZONE 4A04024	Flash cards	\$1.99
7152133	1	50" X 60" FLEECE THROW CAT	Blanket	\$1.69
3533081	1	3000L 5K TRIFOLD LED GT-BU-G03-3PP	Light bulb	\$3.99
5738986	1	HORMEL PECAN WOOD BACON BLK LABEL 24OZ	Bacon	\$6.99
5717507	2	SPASOAP SPICE DELIGHT LHS36106 16OZ	Soap	\$2.22
5717509	1	SPASOAP MINT INFSN LHS 36108 16OZ	Soap	\$1.11
5717511	1	SPASOAP WHSPRNG PINE LHS36110 16OZ	Soap	\$1.11
<b>Total Before Applied Rebates</b>				<b>\$201.97</b>

The above transaction was made using one rebate earned entirely from the expenditure of County funds and another earned on a personal purchase. The County's rebate paid \$187.79 of the total \$201.97 purchase cost – leaving only \$14.18 to be paid with personal rebate.

The following are images of some of the items purchased in the above transaction:



Whoopee Cushion



Playing Cards



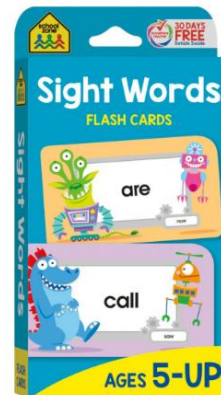
Christmas Cards



Bacon



Toothpaste



Flash Cards



Whisk



Spatula



Toy Boats

While \$14.18 of a personal rebate was used in this transaction, that amount does not cover the cost of the clearly personal items purchased in this transaction.

**The APA asked Commissioner Burbach on August 5, 2025, about his apparent personal use of the County rebates earned at Menards. He acknowledged that any rebates earned from purchases made on the County's charge account should be remitted to the County Clerk's office; however, that did not always happen, and those rebates would have expired. He also stated that he would occasionally buy personal items while making purchases for the County, but he did not recall redeeming in his name any rebates earned from the expenditure of County funds.**

The most recent transaction made using the County rebates at issue occurred on January 15, 2025. The APA questions whether Commissioner Burbach could have forgotten redeeming so recently any rebates earned from the expenditure of County funds – not only because of the relatively short time since that most recent transaction, but also because Menards rebates must be mailed in manually in order to be redeemed.

Commissioner Burbach appears to have received, therefore, the direct benefit of rebates earned from the expenditure of County funds. Such rebates belong to the County, constituting public property, and should not have been issued to Commissioner Burbach in the first place, much less used for apparent personal benefit. As explained above, moreover, his response to the APA's inquiry regarding the disposition of the County rebates appears implausible. The apparent misuse of County property and the seemingly misleading information provided to the APA give rise to the possibility of serious statutory concerns.

To start, Neb. Rev. Stat. § 28-511(1) (Reissue 2016) states the following:

*A person is guilty of theft if he or she takes, or exercises control over, movable property of another with the intent to deprive him or her thereof.*

In addition, Neb. Rev. Stat. § 49-14,101.01(2) (Reissue 2021) of the Nebraska Political Accountability and Disclosure Act, which is set out at Neb. Rev. Stat. §§ 49-1401 to 49-14,142 (Reissue 2021, Cum. Supp. 2024), places the following restriction upon the use of property under the “official care and control” of a public official or public employee:

*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.*

Furthermore, Neb. Rev. Stat. § 84-305.02 (Reissue 2024) says the following, in relevant part:

*Any person who . . . willfully obstructs or hinders the conduct of an audit, examination, or related activity by the Auditor of Public Accounts, or who willfully misleads or attempts to mislead any person charged with the duty of conducting such audit, examination, or related activity shall be guilty of a Class II misdemeanor.*

Good internal controls require procedures to ensure the following: 1) rebates received from vendors through County purchases are tracked properly, treated as County property, and used only for appropriate public purposes; and 2) all APA inquiries are responded to with complete honesty in compliance with statutory requirements.

Without such procedures, there is an increased risk of rebates belonging to the County being used for improper personal gain and failure to cooperate with APA examinations.

We recommend the Board implement procedures – possibly through the adoption of a formal policy – to ensure that rebates received from vendors through County purchases are tracked properly, treated as County property, and used only for appropriate public purposes. We further recommend the implementation of procedures to ensure both complete honesty and full compliance with all APA inquiries, as required by State statute. Additionally, due to the nature of the concerns addressed in this comment, the APA will forward the information herein to the Nebraska Attorney General, the Wayne County Attorney, and the Nebraska Accountability and Disclosure Commission for further review.

*County Response:*

*We agree with the findings of the letter. We would add that we noticed additional purchases that, in addition to the ones detailed, could not have been a county expenditure. On 9/17/24, rebates were used to purchase 14" bushel mums and saltine crackers. On 10/3/24, rebates were used to purchase Snickers candy bars, Twizzlers, Pepsi, and fall pumpkin decorations. On 11/3/24, rebates were used to purchase grape jam. On 11/6/24, rebates were used to purchase Hot Tamales and a wind-up robot toy.*

*Although state statute, which prohibits the use of county property for personal financial gain, should be enough to prevent elected officials from doing so, the county clerk and county attorney are in the process of creating a policy to be included in the employee handbook outlining the same.*

\* \* \* \* \*

Our audit procedures are designed primarily on a test basis and, therefore, may not bring to light all weaknesses in policies or procedures that may exist. Our objective is, however, to use the knowledge gained during our work to make comments and recommendations that we hope will be useful to the County.

Draft copies of this letter were furnished to the County 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 this letter. Such response has been objectively evaluated and recognized, as appropriate, in the letter. A response that indicates corrective action has been taken was not verified at this time.

This communication is intended solely for the information and use of the County and its management. It is not intended to be, and should not be, used by anyone other than these specified parties. However, this communication is a matter of public record, and its distribution is not limited.

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

Audit Staff Working on this Examination:

Craig Kubicek, CPA, CFE – Deputy Auditor  
Mason Culver – Auditor-In-Charge  
Caden Janak – Examiner

Sincerely,



Craig Kubicek, CPA, CFE  
Deputy Auditor  
Auditor of Public Accounts  
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Phone (402) 471-3686  
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cc. Nebraska Attorney General  
Nebraska Accountability and Disclosure Commission  
Wayne County Attorney



WAYNE COUNTY  
Menards Rebate Redemption Transaction Detail  
August 21, 2024, through January 15, 2025

Exhibit A

Date	Weekday	Time	Item #	Quantity	Item Description	APA Desc.	Totals	County Portion	Personal Portion
8/21/2024	Wednesday	19:36	6472365	1	30OZ OXI CLEAN DAILY 5703795145	Disinfectant	\$4.21		
8/21/2024	Wednesday	19:36	2095079	1	TC MOUSE BAIT STN 16CT 0372110	Mouse killer	\$12.60		
8/21/2024	Wednesday	19:36	6486974	2	PUMICE SCOURING STICK HDW-12	Scouring stick	\$4.16		
8/21/2024	Wednesday	19:36	6471118	1	CLOROX BLEACH TOILET TABS30990 4 PACK	Toilet bowl cleaner	\$13.66		
8/21/2024	Wednesday	19:36	6489675	1	TOILETSTONE W HANDLE 112TS006	Toilet cleaning block	\$8.83		
8/21/2024	Wednesday	19:36	6473022	1	ZEP ACIDIC TOILET CLEANER32OZ ZUATBC32	Toilet bowl cleaner	\$5.77		
Items Purchased Total							\$49.23		
Payment Method: Rebate #6353726170							(\$11.61)	\$0.00	(\$11.61)
Payment Method: Gift Certificate							(\$37.62)		
Payment/Rebate/Tender Total							(\$49.23)		
9/17/2024	Tuesday	19:48	2626026	1	14” MUM IN BUSHEL ANNUAL	Flowers	\$21.99		
9/17/2024	Tuesday	19:48	5746142	1	ZESTA 16OZ SALTINES 16OZ	Saltine crackers	\$2.45		
9/17/2024	Tuesday	19:48	2095079	1	TC MOUSE BAIT STN 16CT 0372110	Mouse killer	\$11.97		
9/17/2024	Tuesday	19:48	5516955	1	RO PRO PAINT GLOSS BLACK 7779402 GAL	Paint	\$45.98		
9/17/2024	Tuesday	19:48	7091915	2	AQUASHINE HRDSURFACE CLNR28 OZ	Floor cleaner	\$11.58		
9/17/2024	Tuesday	19:48	5613683	1	SUNNYSIDE MINERAL SPIRITS803G1 GAL	Paint thinner	\$14.99		
Items Purchased Total							\$108.96		
Payment Method: Rebate #6353726170							(\$108.96)	(\$98.22)	(\$10.74)
Payment/Rebate/Tender Total							(\$108.96)		
10/3/2024	Thursday	19:48	6452205	4	LARGE CLIP BOX 19638606	Storage tote	\$17.40		
10/3/2024	Thursday	19:48	6452296	2	27 QT CLEARVIEW LATCH BOX17631706	Storage tote	\$14.76		
10/3/2024	Thursday	19:48	2140115	2	66 QT CLEARVIEW LATCH BOX17571706	Storage tote	\$16.98		
10/3/2024	Thursday	19:48	2140232	3	32 QT CLEARVW LATCH BOX 17551706	Storage tote	\$24.31		
10/3/2024	Thursday	19:48	6452204	2	MEDIUM CLIP BOX 19628604	Storage tote	\$7.68		
10/3/2024	Thursday	19:48	6452294	6	6 QT CLEARVIEW LATCH BOX 17511712	Storage tote	\$15.16		
10/3/2024	Thursday	19:48	2730622	6	PEPSI 6 PACK 16.9 OZ	Soda	\$31.50		
10/3/2024	Thursday	19:48	2626104	4	PIE PUMPKINS FALL DECOR	Pumpkin	\$10.48		
10/3/2024	Thursday	19:48	2626102	5	REGULAR PUMPKINS FALL DECOR	Pumpkin	\$17.04		
10/3/2024	Thursday	19:48	5755763	1	DURACELL ALK. AAA-10 PK MN2400B10	Batteries	\$8.62		
10/3/2024	Thursday	19:48	6450005	1	LABELONCE TOTE LABELS 218121PQP/48121	Tote labels	\$7.09		
10/3/2024	Thursday	19:48	5755762	1	DURACELL ALK. AA-10 PK MN1500B10	Batteries	\$10.94		
10/3/2024	Thursday	19:48	5752962	1	SNICKERS FUN SIZE 462095 10.59OZ	Candy	\$3.96		
10/3/2024	Thursday	19:48	2447854	1	14” STAINLESS TAPINGKNIFEMF-37714	Drywall taping knife	\$12.15		
10/3/2024	Thursday	19:48	2447932	1	12”TAPING KNIFE BLUESTEEL36612	Drywall taping knife	\$10.13		
10/3/2024	Thursday	19:48	2447832	1	10” SS TAPING KNIFE MF-DGSBK10	Drywall taping knife	\$20.26		
10/3/2024	Thursday	19:48	2733508	1	TWIZZLER STRWBERRY TWISTS56002 16OZ	Candy	\$3.44		
10/3/2024	Thursday	19:48	2618498	1	25 PK SHOP TOWELS 21820	Towels	\$6.09		
Items Purchased Total							\$237.99		
Payment Method: Rebate #6353726170							(\$17.86)	(\$17.86)	\$0.00
Payment Method: Rebate #6352634809							(\$169.52)	(\$156.38)	(\$13.14)
Payment Method: Gift Certificate							(\$50.61)		

WAYNE COUNTY  
Menards Rebate Redemption Transaction Detail  
August 21, 2024, through January 15, 2025

Exhibit A

Date	Weekday	Time	Item #	Quantity	Item Description	APA Desc.	Totals	County Portion	Personal Portion
Payment/Rebate/Tender Total							(\$237.99)		
11/3/2024	Sunday	11:41	5748991	1	JAM SHOPPE GRAPE JAM 19OZ	Jam	\$3.99		
11/3/2024	Sunday	11:41	1898010	4	40B SALT PELLETS SOFTENER SALT	Water softener	\$25.88		
Items Purchased Total							\$29.87		
Payment Method: Rebate #6352634809							(\$14.15)	(\$14.15)	\$0.00
Payment Method: Rebate #6358227304							(\$15.72)	(\$15.72)	\$0.00
Payment/Rebate/Tender Total							(\$29.87)		
11/6/2024	Wednesday	13:36	2751767	1	WIND UP ROBOT 4454	Toy	\$4.99		
11/6/2024	Wednesday	13:36	2734503	1	HOT TAMALE THTR BOX 4953100 4.25OZ	Candy	\$1.24		
11/6/2024	Wednesday	13:36	2637799	1	SP ANT SHIELD GRAN 3LB HG-96274	Insect killer	\$8.97		
11/6/2024	Wednesday	13:36	4334513	1	ROUND COVERS (BEST) 3917CWB	Window well cover	\$23.79		
Items Purchased Total							\$38.99		
Payment Method: Rebate #6358227304							(\$38.99)	(\$38.99)	\$0.00
Payment/Rebate/Tender Total							(\$38.99)		
12/15/2024	Sunday	12:29	1111367	4	2X8-16" AC2 GREEN TREATEDGROUND CONTACT	Lumber	\$94.40		
12/15/2024	Sunday	12:29	7152130	1	50" X 60" FLEECE THROW ELEPHANT	Blanket	\$1.69		
12/15/2024	Sunday	12:29	2326961	1	12X2-3/4" TEKS PFH WING 21386	Screws	\$49.98		
12/15/2024	Sunday	12:29	6408205	1	UTILITY LIGHTER ZY-3884-1PK	Lighter	\$0.97		
12/15/2024	Sunday	12:29	2751869	1	WHOOPEE CUSHION 14474606	Whoopee Cushion	\$1.00		
12/15/2024	Sunday	12:29	6408209	2	CLICK N FLAME CLASSIC MLA220	Lighter	\$4.98		
12/15/2024	Sunday	12:29	4739463	1	KITCHEN SPATULA ASST MESILG4	Spatula	\$1.11		
12/15/2024	Sunday	12:29	5715709	2	80 COUNT BABY WIPES 80	Baby wipes	\$2.00		
12/15/2024	Sunday	12:29	4739461	1	KITCHEN SPOON ASST MESILG2	Kitchen spoon	\$1.11		
12/15/2024	Sunday	12:29	4736848	1	GLAD EGG WHISK GLD-71371	Whisk	\$2.29		
12/15/2024	Sunday	12:29	4736826	1	COPPER OVEN LINER 2PK SI-2060C	Oven liner	\$1.99		
12/15/2024	Sunday	12:29	5710643	4	COLGATE CAVITY PROTECTIONMX03551A 4OZ	Toothpaste	\$4.00		
12/15/2024	Sunday	12:29	2797475	1	BRIGHT BABY BOATS 01836204654	Toy Boats	\$1.50		
12/15/2024	Sunday	12:29	5710965	2	CURAD FIRST AID 15PC CURFAK01	First aid kit	\$2.00		
12/15/2024	Sunday	12:29	2794992	2	STANDARD PLAYING CARDS BRY003579U	Playing cards	\$1.58		
12/15/2024	Sunday	12:29	2821325	1	18CT BOXED CARDS ASSORTED	Christmas cards	\$3.59		
12/15/2024	Sunday	12:29	6604163	1	100 CT VEN PF VINYL L/XL VEN4135PF	Vinyl gloves	\$6.99		
12/15/2024	Sunday	12:29	7152137	1	50" X 60" FLEECE THROW DOG WIH BONE	Blanket	\$1.69		
12/15/2024	Sunday	12:29	2792831	1	FLASH CARD SCHOOL ZONE 4A04024	Flash cards	\$1.99		
12/15/2024	Sunday	12:29	7152133	1	50" X 60" FLEECE THROW CAT	Blanket	\$1.69		
12/15/2024	Sunday	12:29	3533081	1	3000L 5K TRIFOLD LED GT-BU-G03-3PP	Light bulb	\$3.99		
12/15/2024	Sunday	12:29	3533081	1	3000L 5K TRIFOLD LED GT-BU-G03-3PP	Light bulb	\$4.27		
12/15/2024	Sunday	12:29	5738986	1	HORMEL PECAN WOOD BACON BLK LABEL 24OZ	Bacon	\$6.99		
12/15/2024	Sunday	12:29	5717507	2	SPASOAP SPICE DELIGHT LHS36106 16OZ	Soap	\$2.22		
12/15/2024	Sunday	12:29	5717509	1	SPASOAP MINT INFSN LHS 36108 16OZ	Soap	\$1.11		
12/15/2024	Sunday	12:29	5717511	1	SPASOAP WHSPRNG PINE LHS36110 16OZ	Soap	\$1.11		
12/15/2024	Sunday	12:29	3533081	-1	3000L 5K TRIFOLD LED GT-BU-G03-3PP	Light bulb	(\$4.27)		

Prepared by APA

- Questionable items purchased  
 - Rebates containing County funds

WAYNE COUNTY  
**Menards Rebate Redemption Transaction Detail**  
August 21, 2024, through January 15, 2025

**Exhibit A**

Date	Weekday	Time	Item #	Quantity	Item Description	APA Desc.	Totals	County Portion	Personal Portion
Items Purchased Total							\$201.97		
Payment Method: Rebate #6363519241							(\$14.18)	\$0.00	(\$14.18)
Payment Method: Rebate #6358227304							(\$187.79)	(\$187.79)	\$0.00
Payment/Rebate/Tender Total							(\$201.97)		
1/15/2025	Wednesday	18:35	6330205	2	DUPONTLBL 20X25X1 M10LTRAF-DPA2025	Air filter	\$14.12		
1/15/2025	Wednesday	18:35	3531082	1	60W A19 5K LED 12PK GT-A19-12PK5-L	Light bulbs	\$8.07		
1/15/2025	Wednesday	18:35	4366216	3	KERF DOOR SEAL BEIGE PREM38387	Door seal	\$42.97		
1/15/2025	Wednesday	18:35	2531132	1	13.5 LB. MEOW MIX TENDER 2927451250	Cat food	\$17.16		
Items Purchased Total							\$82.32		
Payment Method: Rebate #6358227304							(\$62.20)	(\$62.20)	\$0.00
Payment Method: Rebate #6366014950							(\$7.58)	\$0.00	(\$7.58)
Payment Method: Personal Card							(\$12.54)	\$0.00	(\$12.54)
Payment/Rebate/Tender Total							(\$82.32)		
Totals							(\$749.33)	(\$591.31)	(\$69.79)