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Article for *Minnesota Township Insider*

609 Reporting

By Rebecca Otto, State Auditor

As a township official, the last thing you want to have happen under your watch is theft of township funds. Some think, “It would never happen in our community.” Unfortunately, employee theft does happen.

In Minnesota, unlawful use of public funds is rare. But when evidence is discovered, the public employee or officer making the discovery must promptly report the incident to law enforcement and to the Office of the State Auditor (OSA). Minn. Stat. § 609.456, subd. 1 reads:

“Whenever a public employee or public officer of a political subdivision . . . discovers evidence of theft, embezzlement, unlawful use of public funds or property, or misuse of public funds, the employee or officer shall promptly report to law enforcement and shall promptly report in writing to the state auditor a detailed description of the alleged incident or incidents.”

Under this statute, a detailed description of the alleged incident(s) must be made "promptly" and "in writing". "Prompt" reporting means that the OSA should be contacted when the evidence is first discovered. The report may include information that is classified as “not public” data.

Not Public Data

Information that could reasonably be used to determine the identity of the person making the mandatory report to the OSA is classified as “private” data (Minn. Stat. § 6.715, subd. 2). In this way, Minnesota law protects the identity of the person making the report to encourage public employees and officers to come forward with evidence without fear of retribution or retaliation.

Reporting

To make the reporting obligation easier, the OSA provides an easy-to-use form on our website at www.osa.state.mn.us. Under the “Contact Us” menu item, select “Report a Concern” and

go to the section “How to Report.” Select the second link in that section, which is for Local Government Officials. Clicking on the link will download the form, which includes instructions on how to complete it and submit it to the office.

If you have questions about whether a report should be made, please contact Mark Kerr in our office by phone at (651) 296-4717 or by e-mail at Mark.Kerr@osa.state.mn.us.