

Office of General Counsel

Administration Bldg 127

PO Box 443158

Moscow ID 83844-3158

Phone: 208-885-6125

Fax: 208-885-8931

counsel@uidaho.edu

MEMORANDUM

January 15, 2009

TO: All University of Idaho Employees
FROM: Office of General Counsel
RE: Misuse of Public Moneys and University Credit Cards

Don't jeopardize your job.

Idaho law regarding misuse of public funds, specifically including purchase cards, has changed. This memo provides notice of the law and the consequences of violating it. It is a serious crime under Idaho law to "knowingly use any public moneys, or financial transaction card ... to make any purchase, loan, guarantee or advance of moneys for any personal purpose other than for the use or benefit of the governmental unit."

Violation of the law has severe consequences. If you are found guilty, or you plead guilty to violating the law, the University must by statute terminate your employment for cause, and you will be disqualified from holding any other public employment involving the receipt, safekeeping, or disbursement of public moneys. In addition, if your current job requires you to receive, safe keep, or disburse public moneys, and you knowingly violate the law, you are guilty of a felony punishable by a fine up to \$5000, imprisonment for up to five years or both if the amount of public moneys misused is less than \$300. If the amount is more than \$300, the fine is up to \$10,000 with imprisonment for not less than one year and up to fourteen years.

The University's purchasing card policy, consistent with the statute, prohibits use of purchasing cards for personal use. This includes instances where charges are made to a University purchasing card for the "personal purpose" part of the expenses of a "mixed purpose" purchase or trip (part University business and part personal), even if the personal expenses are promptly reimbursed. In short, the University purchasing card may only be used for University business and only in the manner allowed by University policy.

The applicable statutes are Idaho Code §§ 18-5701, 18-5702, and 18-5703. The applicable University policy is APM section 75.37. If you have any questions about the law or the penalties, please contact the office of General Counsel at 885-6125 or counsel@uidaho.edu. If you have any questions about general use of purchasing cards please contact Accounts Payable at 885-5379 or Purchasing Services at 885-6116.