STATE OF INDIANA)
)SS:
COUNTY OF MARION)

THE INDIANA STATE ETHICS COMMISSION

CONTROL NUMBER: 2005-01-0271

IN THE MATTER OF VANEETA KUMAR
Respondent

FINAL REPORT OF THE INDIANA STATE ETHICS COMMISSION

A public hearing was held in this Matter on August 15, 2006. The Inspector General, David Thomas, represented the State of Indiana at the hearing. Attorney Mario Garcia represented the Respondent, Vaneeta Kumar, who appeared in person at the hearing.

The Indiana State Ethics Commission ("Commission"), having heard the evidence submitted and the arguments of counsel, having examined the exhibits and pleadings on file in this cause, having taken this matter under advisement and being duly advised, finds as follows:

FINDINGS OF FACT

1. Vaneeta Kumar ("Kumar") was the Deputy Commissioner of the Indiana Department of Transportation (INDOT), on August 10, 2003 and supervised over 200 employees within INDOT.
2. On August 10, 2003, Kumar held a political fundraising event ("fundraising event") for Indianapolis Mayor Bart Peterson at her home, located in Indianapolis, Marion County, Indiana.
3. Members of the Kumar family, of which Kumar testified included herself, prepared two written invitations for the fundraising event. The invitations varied only as to the suggested contribution amount that appeared on the face of the invitations. Kumar's name appeared on the face of both invitations. The invitations specifically listed Kumar as a person to whom an RSVP for attendance should be made, listing her home address.

4. Several months prior to the August 10, 2003, fundraising event at Kumar's home, then INDOT Commissioner, Bryan Nicol, held a similar event at his home. Kumar was the co-host for Nicol's fundraising event that was held for the benefit of Mayor Bart Peterson. The Commission found that Nicol's conduct in holding the fundraising event constituted a violation of the Political Activity Rule, 4 IAC 2-1-7.1.
5. Kumar attended the fundraising event held in her home on August 10, 2003. Kumar mingled with the guests, including representatives of at least four companies whom she knew either had or were seeking a business relationship with INDOT at the time the fundraising event occurred. These four companies included: R.W. Armstrong, The Corradino Group, DLZ and G.R.W.
6. The foregoing companies made financial contributions to the Bart Peterson for Mayor Committee near to the time of the Kumar fundraising event. Reports from the Bart Peterson for Mayor Committee revealed that donations had been made on behalf of the companies identified by Kumar as having attended her fundraising event, including companies whom Kumar knew to have or were seeking a business relationship with INDOT. The donations from the four companies were deposited with the Peterson campaign on August 21, 2003, 11 days after Kumar's fundraising event.
7. Vaneeta Kumar telephoned David Pluckebaum, associated with The Corradino Group, and she personally invited him to attend the fundraising event at her home. Kumar knew at the time that she extended the invitation to Pluckebaum that The Corradino Group had a business relationship with INDOT. Kumar asked Pluckenaum to respond to her residential telephone and emphasized to him that she was calling outside of her regular work hours.

8. Pluckebaum responded to Kumar's home telephone as requested and then later attended the August 10, 2003 fundraising event and brought a check on behalf of The Corradino Group as a contribution to the Peterson campaign.

9. The Office of Inspector General (OIG) filed its Complaint in this Matter on November 10, 2005, alleging that Kumar violated the Political Activity Rule in the Indiana Code of Ethics.

CONCLUSIONS OF LAW

1. At the time of the fundraising event, the Political Activity Rule of the Indiana Code of Ethics, 40 IAC 2-1-7.1, prohibited certain political activity by state employees. In relevant part, the Political Activity Rule provided the following:

> (c) A state employee shall not solicit political contributions at any time from:
> (1) persons whom the employee knows to have a business relationship with the employee's agency; or
> (2) state employees directly supervised by the employee.
> (State Ethics Commission; 40 IAC 2-1-7.1; filed Oct 22, 1991, 11:10a.m.)

2. The Complaint in this Matter must be proven by a preponderance of the evidence.

3. The Indiana Ethics Commission finds that the Complaint has been proven by a preponderance of the evidence by the Office of Inspector General, for the following reasons:

   a. At the time of Kumar's fundraising event on August 10, 2003, Kumar was a state employee and subject to the Political Activity Rule in 40 IAC 2-1-7.1.

   b. Several persons whom Kumar knew to be associated with companies that had a business relationship with INDOT attended her fundraising event and contributed political donations to the Peterson campaign. The evidence shows that Kumar solicited political contributions for the event.

c. Kumar's solicitation of political contributions from persons whom she knew to have a business relationship with INDOT is evidenced by the invitation alone, which Kumar admits to participating in preparing. The offense in this Matter is also evidenced by Kumar's personal invitation to Pluckebaum, who in fact attended the event and submitted a political contribution at the event on behalf of The Corradino Group.

d. Both written invitations for the fundraising event, of which Kumar was personally aware, constitute a solicitation of political contributions on Kumar's part in that both invitations list a specific dollar amount.

e. The invitations also directed a response to Kumar at her personal residence, which indicates her sponsorship of the political fundraiser as well as her support of the solicited amount printed on the face of the invitations.

f. Kumar and members of her family prepared and sent the invitations for the event.

g. The evidence also shows that the invitations were sent to persons whom Kumar knew to have a business relationship with INDOT, which was further evidenced by Pluckebaum's attendance on behalf of The Corradino Group at the fundraising event.

h. In addition, Kumar's solicitation of political contributions from persons whom she knew to have a business relationship with INDOT is evidenced by her personal telephonic invitation to Pluckebaum to attend the fundraising event. The evidence establishes that Pluckebaum brought a political contribution to the event on behalf of the Corradino Group.

i. Furthermore, Respondent should have known that the persons expected to attend her event that were associated with companies that had a business relationship with INDOT would in fact attend and contribute at her August 10, 2003 fundraising event because she was a co-host of a similar event several months earlier at the Bryan Nicol residence where similar prohibited solicitation of political contributions had occurred.

j. The Commission finds that the evidence supports that Kumar violated the Political Activity Rule, 40 IAC 2-1-7.1 as stated in the Complaint.

SANCTIONS

1. The Commission, having deliberated on the Matter, hereby imposes the following sanction, pursuant to IC § 4-2-6-12, the statute in effect at the time of the fundraising event:

   a. A civil penalty on the Respondent, Vaneeta Kumar, in the amount of $6100.00.

      (i) The Commission determines that the value of the benefit received from the violation in this Matter is based on the amount of contributions from persons or companies doing business with INDOT at the time of the offense.

      (ii) The Commission further notes that the monetary penalty in this Matter includes consideration of the benefit that likely resulted from the political access afforded to persons who Kumar knew to have a business relationship with INDOT at the time of the offense.

Approved this 12 day of October, 2006.

Clare Kraegel Nuechterlein

Clare Kraegel Nuechterlein, Chair

(absent)

Priscilla D. Keith

Edward Charbonneau

(recused)

James N. Williams

James N. Clevenger