

**Proposed Rule**  
LSA Document #10-775

DIGEST

Adds [20 IAC 4](#) to establish procedures for the State Board of Accounts to enforce [IC 5-11-1-10](#) and [IC 5-11-1-21](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

**[20 IAC 4](#)**

SECTION 1. [20 IAC 4](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 4. REMOVAL FROM OFFICE**

**Rule 1. Definitions**

**[20 IAC 4-1-1](#) Applicability**

Authority: [IC 5-11-1-8](#)

Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)

**Sec. 1. The definitions in this rule apply throughout this article.**

*(State Board of Accounts; [20 IAC 4-1-1](#))*

**[20 IAC 4-1-2](#) "Board" defined**

Authority: [IC 5-11-1-8](#)

Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)

**Sec. 2. "Board" means the state board of accounts.**

*(State Board of Accounts; [20 IAC 4-1-2](#))*

**[20 IAC 4-1-3](#) "Public officer" defined**

Authority: [IC 5-11-1-8](#)

Affected: [IC 5-11-1-16](#)

**Sec. 3. "Public officer" has the meaning set forth in [IC 5-11-1-16](#).**

*(State Board of Accounts; [20 IAC 4-1-3](#))*

**Rule 2. Removal Procedures**

**[20 IAC 4-2-1](#) Grounds for removal from office**

Authority: [IC 5-11-1-8](#)

Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)

**Sec. 1. A public officer who forfeits his or her office under [IC 5-11-1-10](#) or [IC 5-11-1-21](#) may be removed from office by the board.**

*(State Board of Accounts; [20 IAC 4-2-1](#))*

**[20 IAC 4-2-2](#) First violation**

**Authority: [IC 5-11-1-8](#)**

**Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)**

**Sec. 2. (a) If a public officer violates [IC 5-11-1-10](#) or [IC 5-11-1-21](#) for the first time, the board shall notify the public officer by certified mail that the public officer has fifteen (15) days to comply with the violated statute. The public officer shall comply by submitting to the board sufficient documentation to demonstrate compliance.**

**(b) If the public officer cannot be located, the notification shall be made by certified mail to the last known address of the public officer.**

*(State Board of Accounts; [20 IAC 4-2-2](#))*

**[20 IAC 4-2-3](#) Hearing**

**Authority: [IC 5-11-1-8](#)**

**Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)**

**Sec. 3. (a) If a public officer violates [IC 5-11-1-10](#) or [IC 5-11-1-21](#) for a second or subsequent time, or does not provide sufficient documentation to the board to demonstrate compliance following a first violation, then the public officer shall be granted a hearing with the board. The public officer shall be given thirty (30) calendar days notice of the hearing.**

**(b) The hearing shall be conducted by the state examiner and the two (2) deputy state examiners.**

**(c) The public officer shall have the opportunity to present evidence of compliance with the violated statute to the board or of why the public officer was not able to comply.**

**(d) The board shall consider all relevant evidence presented at the hearing.**

*(State Board of Accounts; [20 IAC 4-2-3](#))*

**[20 IAC 4-2-4](#) Board vote**

**Authority: [IC 5-11-1-8](#)**

**Affected: [IC 5-11-1-10](#); [IC 5-11-1-21](#)**

**Sec. 4. (a) Within seven (7) calendar days of the hearing, the board shall vote to determine if the public officer has forfeited his or her office and should be removed. Certification of the board's decision shall be sent to the public officer.**

**(b) All three (3) board members shall have an equal vote.**

**(c) By a unanimous vote, the board may:**

**(1) remove a public officer who has forfeited his or her office; or**

**(2) issue requirements that the public officer shall follow to resolve the violation.**

*(State Board of Accounts; [20 IAC 4-2-4](#))*

**[20 IAC 4-2-5](#) Removal order; eligibility for office after removal**

Authority: [IC 5-11-1-8](#)

Affected: [IC 3-13](#); [IC 5-11-1-10](#); [IC 5-11-1-21](#)

**Sec. 5. (a)** If the board votes to remove a public officer who has forfeited his or her office, the board shall issue an order removing the public officer from his or her office and detailing the grounds for removal. The removal order shall be issued via certified mail to the appropriate person identified in [IC 3-13](#) as being responsible for filling the vacant office.

**(b)** A public officer who is removed from office under this article shall not be eligible for election or appointment to any office that is under the guidance of [IC 5-11](#) for a period of three (3) years after the removal date.

*(State Board of Accounts; [20 IAC 4-2-5](#))*

[Notice of Public Hearing](#)

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An [html](#) version of this document.