

# **TITLE 42 OFFICE OF THE INSPECTOR GENERAL**

## **ARTICLE 1. INDIANA CODE OF ETHICS**

### **Rule 1. Name of Article**

#### **42 IAC 1-1-1 Name of article**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6

Sec. 1. The name of this article shall be the Indiana code of ethics. (*Office of the Inspector General; 42 IAC 1-1-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1205; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 2. Purpose**

#### **42 IAC 1-2-1 Purpose**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 1. (a) This section:

- (1) is intended as a guide to those under the jurisdiction of the state ethics commission;
- (2) is not a basis for sanctions by the state ethics commission;
- (3) is aspirational in character; and
- (4) represents the objective toward which every public servant should strive.

42 IAC 1-3 through 42 IAC 1-5 are mandatory in character and state minimum levels of conduct below which those under the jurisdiction of the state ethics commission may not fall without being subject to sanctions by the state ethics commission.

(b) The purpose of this article is to set ethical standards for:

- (1) the official conduct of the current and former officers, employees, and special state appointees of the executive and administrative branches of state government; and
- (2) persons who have or had a business relationship with an agency;

so that the general public will have confidence that the conduct of state business is always conducive to the public good. This article promotes the principle that public office is a public trust where government is based upon the consent of its citizens who are entitled to have complete confidence in the integrity of their government. Thus, the business of the state will be conducted in such a manner as to reassure the citizens of Indiana that the character and conduct of its officials, employees, and special state appointees are above reproach.

(c) Public confidence in the integrity of government is essential to the exercise of good government. Accordingly, those persons under the jurisdiction of the state ethics commission should be committed to the following goals:

- (1) Duties should be carried out impartially.
- (2) Decisions and policy should not be made outside of proper channels of state government.
- (3) Public office should not be used for private gain.
- (4) Actions, transactions, or involvements should not be performed or engaged in which have the potential to become a conflict of interest.

(d) This article is not meant to unduly restrict or limit the behavior of the officers, employees, and special state appointees of this state during the time when they are not on duty. Each state officer, employee, and special state appointee retains lawful rights and privileges as a private citizen to interests of a personal or private financial nature. These rights and privileges will be honored by the commission to the extent that they are compatible with an individual's public office or employment. (*Office of the Inspector General; 42 IAC 1-2-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 3. Definitions**

**42 IAC 1-3-1 Applicability**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-6-2.5; IC 4-13-1-4

Sec. 1. The definitions in IC 4-2-6-1 and this rule apply throughout this article. (*Office of the Inspector General; 42 IAC 1-3-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-2 "Agency" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1

Sec. 2. "Agency" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-2; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-3 "Appointing authority" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 3. "Appointing authority" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-3; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-4 "Assist" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 4. "Assist" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-4; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-5 "Business relationship" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 5. "Business relationship" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-5; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-6 "Commission" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 6. "Commission" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-6; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-7 "Compensation" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 7. "Compensation" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-7; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1206; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-8 "Employee" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1

Sec. 8. "Employee" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-8; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-9 "Employer" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 9. "Employer" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-9; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-10 "Ethics" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-2.5

Sec. 10. "Ethics" means the standards of official conduct for those persons listed in IC 4-2-6-2.5. (*Office of the Inspector General; 42 IAC 1-3-10; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-11 "Financial interest" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 11. "Financial interest" has the meaning set forth in IC 4-2-6-1. (*Office of the Inspector General; 42 IAC 1-3-11; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-12 "Honorarium" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 12. "Honorarium" means a payment of money for:

- (1) an appearance;
- (2) a speech; or
- (3) an article;

but does not include payment or reimbursement of travel expenses for a state employee. (*Office of the Inspector General; 42 IAC 1-3-12; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-3-13 "Immediate family" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-9

Sec. 13. "Immediate family" means a person's:

- (1) spouse;
- (2) partner;
- (3) housemate; or
- (4) unemancipated dependent.

*(Office of the Inspector General; 42 IAC 1-3-13; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-14 "Information of a confidential nature" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 14. "Information of a confidential nature" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-14; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-15 "Inspector general" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7-2

Sec. 15. "Inspector general" means the office of the inspector general as established by IC 4-2-7-2. *(Office of the Inspector General; 42 IAC 1-3-15; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-16 "Person" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 16. "Person" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-16; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-17 "Political subdivision" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 17. "Political subdivision" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-17; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-18 "Property" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 18. "Property" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-18; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-19 "Public official" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 19. "Public official" means anyone who holds a public office, elected or appointed, at the federal, state, county, or local level. *(Office of the Inspector General; 42 IAC 1-3-19; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-20 "Relative" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-15-7-1

Sec. 20. "Relative" means any person related as:

- (1) father;
- (2) mother;
- (3) stepfather;
- (4) stepmother;
- (5) brother;
- (6) sister;
- (7) stepbrother;
- (8) stepsister;
- (9) uncle;
- (10) aunt;
- (11) husband;
- (12) wife;
- (13) son;
- (14) daughter;
- (15) stepchild;
- (16) son-in-law;
- (17) daughter-in-law;
- (18) grandchild;
- (19) stepgrandchild;
- (20) niece; or
- (21) nephew.

*(Office of the Inspector General; 42 IAC 1-3-20; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1207; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-21 "Represent" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 21. "Represent" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-21; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-22 "Special state appointee" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 22. "Special state appointee" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-22; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-23 "State officer" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-1; IC 4-2-7

Sec. 23. "State officer" has the meaning set forth in IC 4-2-6-1. *(Office of the Inspector General; 42 IAC 1-3-23; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA)*

**42 IAC 1-3-24 "Travel expenses" defined**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-13-1-4

Sec. 24. "Travel expenses" means transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by state travel policies and procedures authorized under IC 4-13-1-4(7). (*Office of the Inspector General; 42 IAC 1-3-24; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**Rule 4. Ethics Education**

**42 IAC 1-4-1 Training requirements**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7-1

Sec. 1. (a) All state officers, employees, and special state appointees shall be properly trained in the code of ethics as described in this article. All persons who have a business relationship with a state agency are obligated to abide by the code of ethics.

(b) Each agency's appointing authority shall do the following:

(1) Require all new employees and special state appointees to participate in ethics training within six (6) weeks of the employee's starting employment and the special state appointee's appointment date with the agency.

(2) Require all employees and special state appointees to participate in ethics training at least every two (2) years during an employee's and special state appointee's tenure with the agency.

(3) Maintain documentation to demonstrate an employee's and special state appointee's compliance with subdivisions (1) and (2).

(*Office of the Inspector General; 42 IAC 1-4-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**Rule 5. Ethics Rules**

**42 IAC 1-5-1 Gifts; travel expenses; waivers**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 3-9-2; IC 4-2-6

Sec. 1. (a) A state employee or special state appointee, or the spouse or unemancipated child of a state employee or special state appointee, shall not knowingly solicit, accept, or receive any:

(1) gift;

(2) favor;

(3) service;

(4) entertainment;

(5) food;

(6) drink;

(7) travel expenses; or

(8) registration fees;

from a person who has a business relationship with the employee's or special state appointee's agency or is seeking to influence an action by the employee or special state appointee in his or her official capacity.

(b) The following shall not be subject to this rule:

(1) Gifts, favors, services, entertainment, food, drink, travel expenses, or registration fees from public agencies or public institutions.

(2) Food or drink consumed at a public meeting to which at least twenty-five (25) individuals are invited. A meeting will be considered public if:

- (A) the event is a reception or other gathering for public officials that is not arranged to solicit government procurement of goods or services;
- (B) the employee is giving a speech or participating in a presentation in the employee's official capacity; or
- (C) the meeting has a formal educational program that the employee is attending to assist him or her in performing official duties.

(3) Mementos or souvenirs of nominal value.

(4) Food or drink consumed by an employee during negotiations or other activities related to an Indiana economic development corporation economic development project.

(5) Gifts, favors, services, entertainment, food, or drinks from relatives, or a person with whom the employee or special state appointee has an ongoing social relationship, so long as:

- (A) the gifts or other items of value are not deducted as a business expense; and
- (B) the gift giver is not seeking to influence an action by an employee or special state appointee in that person's official capacity.

(6) Political contributions subject to IC 3-9-2 that are reported in accordance with applicable law.

(7) Nominal refreshments offered to a state employee or a special state appointee conducting official state business while the employee or special state appointee is at a workplace of a person who:

- (A) has a business relationship; or
- (B) seeks to influence official action;

with the employee's or special state appointee's agency.

(8) Discount and other promotional programs approved and made available to state employees and special state appointees through the state personnel department or the Indiana department of administration.

(c) An employee's or special state appointee's state officer or appointing authority may waive application of subsection (a) of this rule in individual cases when consistent with the public interest. The waiver shall:

(1) be in writing; and

(2) identify the following:

- (A) The employee or special state appointee.
- (B) The nature and value of the gift.
- (C) The donor of the gift.
- (D) Why acceptance of the gift is consistent with the public interest.

(d) Written waivers must be filed with the commission within thirty (30) days of receipt of the gift. The commission may review the written waivers. An appointing authority or state officer may designate authority to the agency's ethics officer to waive application of this rule on behalf of the appointing authority or state officer. The designation shall be in writing and filed with the commission.

(e) If a person wishes to reimburse the state for any part or all of the expenses incurred by the state for appearances of a state officer, employee, or special state appointee or their official representatives on behalf of the state, the person shall remit to the treasurer of state any such amounts. The treasurer of the state shall quietus the funds into the general fund. (*Office of the Inspector General; 42 IAC 1-5-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1208; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

#### **42 IAC 1-5-2 Donor restrictions**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7-3

Sec. 2. A person who has a business relationship with an employee's or a special state appointee's agency shall not provide any:

- (1) gifts;
- (2) favors;

- (3) services;
- (4) entertainment;
- (5) food;
- (6) drink;
- (7) travel expenses; or
- (8) registration fees;

to such employee or special state appointee if the employee or special state appointee would not be permitted to accept the gift, favor, service, entertainment, food, drink, travel expenses, or registration fees under this rule. (*Office of the Inspector General; 42 IAC 1-5-2; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1209; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

#### **42 IAC 1-5-3 Honoraria**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 3. An employee shall not personally accept an honorarium for any activity that may be considered part of the state employee's official duties. However, a state employee may accept an honorarium on behalf of the state. The employee accepting the honorarium shall remit to the treasurer of state any amount received. The treasurer of state shall quietus such funds into the general fund. An employee may personally accept an honorarium for activities not done in connection with the employee's official duties and that are prepared on the employee's own time and without the use of state resources. However, in no case may an employee accept an honorarium from a person who has a business relationship or seeks to influence an official action with the employee's agency. (*Office of the Inspector General; 42 IAC 1-5-3; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1209; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

#### **42 IAC 1-5-4 Political activity**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 3-9-2; IC 4-2-6-1

Sec. 4. (a) A state employee or special state appointee shall not engage in political activity including solicitation of political contributions from:

- (1) another employee or special state appointee; or
- (2) any other person;

when on duty or acting in an official capacity.

(b) This section does not prohibit a state employee or special state appointee from engaging in such activity when not on duty.

(c) A state employee or special state appointee shall not solicit political contributions at any time from:

- (1) persons whom the employee or special state appointee knows to have a business relationship with the employee's or the special state appointee's agency; or
- (2) state employees or special state appointees directly supervised by the employee or the special state appointee.

(d) The appointing authority of an agency and all employees or special state appointees with purchasing or procurement authority on behalf of the state shall not solicit political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office himself or herself. (*Office of the Inspector General; 42 IAC 1-5-4; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1209; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

#### **42 IAC 1-5-5 Outside employment**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-5.5; IC 4-2-7

Sec. 5. Outside employment restrictions are set forth in IC 4-2-6-5.5. (*Office of the Inspector General; 42 IAC 1-5-5; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)



**42 IAC 1-5-6 Conflicts of interest; decisions and voting**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-9; IC 4-2-7

Sec. 6. Decision and voting restrictions are set forth in IC 4-2-6-9. (*Office of the Inspector General; 42 IAC 1-5-6; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-7 Conflicts of interest; contracts**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-10.5; IC 4-2-7

Sec. 7. Contracting restrictions are set forth in IC 4-2-6-10.5. (*Office of the Inspector General; 42 IAC 1-5-7; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-8 Additional compensation**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 8. A state officer, employee, or special state appointee shall not solicit or accept compensation for the performance of official duties other than provided for by law. (*Office of the Inspector General; 42 IAC 1-5-8; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-9 Bribery**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 9. A state officer, employee, or special state appointee shall not pay or offer to pay any compensation for the performance of a state officer's, employee's, or special state appointee's official duties except as permitted by law. (*Office of the Inspector General; 42 IAC 1-5-9; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-10 Benefiting from confidential information**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 10. A state officer, employee, or special state appointee shall not benefit from, or permit any other person to benefit from, information of a confidential nature except as permitted or required by law. (*Office of the Inspector General; 42 IAC 1-5-10; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-11 Divulging confidential information**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 11. A state officer, employee, or special state appointee shall not divulge information of a confidential nature except as permitted by law. (*Office of the Inspector General; 42 IAC 1-5-11; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-12 Use of state property**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 12. A state officer, employee, or special state appointee shall not make use of state materials, funds, property, personnel, facilities, or equipment for any purpose other than for official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation. (*Office of the Inspector General; 42 IAC 1-5-12; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-13 Ghost employment**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 13. A state officer, employee, or special state appointee shall not engage in, or direct others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation. (*Office of the Inspector General; 42 IAC 1-5-13; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-14 Postemployment restrictions**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-11; IC 4-2-7

Sec. 14. Postemployment restrictions are set forth in IC 4-2-6-11. (*Office of the Inspector General; 42 IAC 1-5-14; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1210; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**42 IAC 1-5-15 Nepotism**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-16; IC 4-2-7

Sec. 15. Nepotism restrictions are set forth in IC 4-2-6-16. (*Office of the Inspector General; 42 IAC 1-5-15; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA; filed Mar 1, 2013, 10:39 a.m.: 20130327-IR-042120524FRA*)

**42 IAC 1-5-16 Communications by state officers**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-15; IC 4-2-7

Sec. 16. Restrictions on certain communications by state officers are set forth in IC 4-2-6-15. (*Office of the Inspector General; 42 IAC 1-5-16; filed Mar 1, 2013, 10:39 a.m.: 20130327-IR-042120524FRA*)

**Rule 6. Other Sources**

**42 IAC 1-6-1 Other sources**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-4

Sec. 1. An appointing authority of an agency or a state officer may adopt policies, rules, or regulations concerning the subject matter of this rule provided that the policies, rules, or regulations are at least as strict as this rule. All such policies, rules, or regulations shall be filed with the commission, but failure to file does not affect the validity of such policies, rules, or regulations

as applied to the agency's or state officer's employees or special state appointees. (*Office of the Inspector General; 42 IAC 1-6-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

#### **42 IAC 1-6-2 Complaint restrictions**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 2. A complaint for an ethics violation may be filed only for violations in 42 IAC 1-4 and 42 IAC 1-5. (*Office of the Inspector General; 42 IAC 1-6-2; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 7. Advisory Opinions**

#### **42 IAC 1-7-1 Procedures**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6-2.5; IC 4-2-7

Sec. 1. Provisions for advisory opinions by the commission are set forth in 40 IAC 2-2. (*Office of the Inspector General; 42 IAC 1-7-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 8. Informal Advisory Opinions**

#### **42 IAC 1-8-1 Procedures**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 5-14-3-4

Sec. 1. (a) The inspector general or the inspector general's designee shall have the authority to render informal advisory opinions. Informal advisory opinions are not binding on the commission. If the commission determines that a person committed a violation after relying on the informal advisory opinion and the violation is directly related to the advice rendered, the commission may consider that the person acted in good faith.

(b) Informal advisory opinions are expressions of opinion that are communicated for the purpose of deliberation and decision making. The information and advice contained in an informal advisory opinion:

(1) are specific to the person who requests the opinion and the facts presented; and

(2) shall be considered to be confidential under IC 5-14-3-4(b)(6).

(*Office of the Inspector General; 42 IAC 1-8-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 9. Adjudication Proceedings**

#### **42 IAC 1-9-1 Applicable statutes and rules**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-6; IC 4-21.5; IC 5-14-1.5

Sec. 1. Provisions for adjudication proceedings before the commission are set forth in 40 IAC 2-3. (*Office of the Inspector General; 42 IAC 1-9-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

### **Rule 10. General Procedures**

**42 IAC 1-10-1 General procedures**

Authority: IC 4-2-7-5

Affected: IC 5-14-1.5

Sec. 1. Provisions for general procedures of the commission are set forth in 40 IAC 2-5. (*Office of the Inspector General; 42 IAC 1-10-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

**Rule 11. Severability**

**42 IAC 1-11-1 Severability**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 1. If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. (*Office of the Inspector General; 42 IAC 1-11-1; filed Dec 7, 2005, 2:45 p.m.: 29 IR 1211; readopted filed Aug 14, 2012, 11:00 a.m.: 20120912-IR-042120281RFA*)

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