



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF CHILD SERVICES (DCS)

TITLE: POST-EMPLOYMENT OF DCS EMPLOYEE

CASE ID: 2018-10-0297

DATE: March 25, 2019

The Inspector General's Chief Legal Counsel, Tiffany Mulligan, after an investigation by Special Agent Chuck Coffin, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in executive branch agencies of state government. Ind. Code § 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. Ind. Code § 4-2-7-3.

On October 30, 2018, the OIG received a complaint alleging that a former Family Case Manager (FCM) with the Indiana Department of Child Services (DCS) was working for a new employer (Employer) on cases of which she had knowledge from working with DCS.

OIG Special Agent Chuck Coffin conducted an investigation. He specifically investigated whether the FCM's employment with the Employer violated the post-employment rule, which is found in Ind. Code § 4-2-6-11. During the course of the investigation, Special Agent Coffin interviewed the FCM, her former supervisors at DCS and her supervisor with the Employer. Special Agent Coffin also obtained and reviewed documents, including DCS's personnel records for the FCM.

Special Agent Coffin learned that the FCM began employment at DCS in May of 2016. The FCM served as a DCS FCM until September of 2018. The FCM started paid, full-time employment with the Employer in October of 2018.

Special Agent Coffin found no evidence that the FCM's employment with the Employer violated the post-employment rule's cooling-off provision found in Ind. Code § 4-2-6-11(b). First, he found that the FCM has not been serving as an executive branch lobbyist. Second, according to interviews with the FCM, her direct supervisor and her Local Office Director, the FCM was not involved in negotiating or administering any contracts with the Employer while she worked for DCS. Third, the FCM, her direct supervisor and her Local Office Director stated that she never made a regulatory or licensing decision at DCS regarding the Employer.

Special Agent Coffin also found insufficient evidence that the FCM's employment with the Employer violated the post-employment rule's particular matter restriction found in Ind. Code § 4-2-6-11(c). He learned that DCS FCMs do not refer clients to the Employer; instead courts make the referrals to the Employer. He also found that the FCM was not assigned to any cases at the Employer in which she was directly involved while at DCS. The FCM acknowledged that she served four clients at the Employer to whom she had been indirectly exposed at DCS; however, she said she was not assigned as a DCS FCM to those cases.

The Local Office Director stated that she was not aware of the FCM having any cases or clients at the Employer in which she had direct involvement at DCS. She said that the FCM served on the DCS assessment team and as part of the assessment team, the FCM assisted other DCS assessors on cases that the Employer later assigned to her. She also expressed concern that the FCM was assigned to cases at the Employer to which her roommate was assigned as a DCS employee.

The FCM's direct supervisor stated that she was aware of two cases of which the FCM had knowledge when she was a DCS FCM; however, she was not aware of the FCM working as the assigned assessor on these cases. The FCM's direct supervisor also stated that as a FCM assessor and team member, the FCM would have had general knowledge of DCS cases even though she was not formally assigned to the case. She stated that it was common for FCMs to talk to one another for suggestions about serving clients.

Although the Employer assigned the FCM four cases with which she was familiar while at DCS, Special Agent Coffin found insufficient evidence to support an allegation that the FCM personally or substantially participated in any of these cases as a DCS employee. The FCM's supervisor at the Employer stated that he assigned her to cases in which she had no direct or long-term involvement while at DCS. Special Agent Coffin learned that the Employer proactively removed the FCM from the four cases in which she was indirectly involved while at DCS. As a result, with the Employer, she only worked on cases in which she had indirect involvement at DCS for approximately two months.

In summary, Special Agent Coffin found insufficient evidence to support a violation of the criminal code or any rule in the Code of Ethics. As a result, the OIG is closing this case for insufficient cause.

Dated: March 25, 2019

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General