



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (FSSA)
TITLE: FSSA EMPLOYEE POST-EMPLOYMENT (UNSUBSTANTIATED)
CASE ID: 2020-02-0064
DATE: April 8, 2020

Inspector General Staff Attorney Lyubov Gore, after an investigation by Inspector General Director of Investigations, Darrell Boehmer, reports as follows:

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch of state government. Ind. Code § 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics (Code) violations within state government. Ind. Code § 4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. IC 4-2-7-3(2).

On February 24, 2020, the OIG received an anonymous complaint alleging that a former Indiana Family and Social Services (FSSA) employee (Employee) violated the post-employment rule. According to the complaint, FSSA awarded an accounting firm (Firm) a contract to manage central billing for FSSA, and the Employee left her state employment to work for the Firm once the contract was in place. The complaint implicated the cooling off provision and particular matter restriction of the Code's post-employment rule, which is found in Ind. Code § 4-2-6-11.

OIG Director of Investigations, Darrell Boehmer, investigated the matter. During the investigation, Director Boehmer communicated with an FSSA executive (Executive) who was generally involved in FSSA's contracts. He also interviewed the Employee's former supervisor (Supervisor), the Employee and the Firm's HR Officer. Director Boehmer obtained and reviewed

the Employee's emails, the contracts between FSSA and the Firm and documents related to the Employee's position at FSSA and her current position at the Firm.

Director Boehmer corresponded with the Executive, who advised Director Boehmer that he was not directly involved in contracting with the Firm because another FSSA employee handled that contract; however, the Executive explained that he was not aware of the Employee participating in any contract negotiations or discussions regarding the contract with the Firm.

Director Boehmer interviewed the Supervisor. The Supervisor confirmed that FSSA contracted with the Firm to handle electronic billing for FSSA and that the Employee went to work for the Firm immediately after leaving state employment. According to the Supervisor, while the Employee had regular contact with the Firm in her position at FSSA, the Employee was not involved in any of the contract negotiations with the Firm and had no decision-making authority with respect to the contract with the Firm. The Employee did not have input into the terms of the contract and did not participate in contract drafting. The Supervisor confirmed that another FSSA employee handled all aspects of contracting with the Firm. The Supervisor stated that it was possible the Employee was currently working on the same particular matters she was involved with while at FSSA. Finally, the Supervisor advised that, after leaving state employment, the Employee retained her state email address and regularly used that email address while employed with the Firm.

Director Boehmer also interviewed the Employee and the Firm's HR Officer. The Employee confirmed that she had been in regular contact with the Firm while at FSSA. The Employee denied any involvement in the contract negotiation with the Firm and denied having any decision-making authority over the negotiation or administration of the contract with the Firm. The Employee confirmed that her current role at the Firm does not involve working on the same

particular matters that she worked on while in her role at FSSA. Regarding the use of her state email address, the Employee explained that, per FSSA's contract with the Firm, she had her state email address reactivated in order to be able to perform her official duties and to have access to FSSA's systems and information. The Firm's HR Officer confirmed the information the Employee related about her current position and her use of the state email address.

Director Boehmer obtained and reviewed the contracts between FSSA and the Firm. Director Boehmer also reviewed documentation related to the Employee's current position with the Firm, including her job description. Director Boehmer obtained the Employee's email files from July 1, 2019, through January 2020, and determined that the Employee's continued use of her state email address was in compliance with the Indiana Office of Technology's (IOT) usage agreements and in accordance with the contract between the Firm and FSSA.

Because the Employee did not participate in the negotiation of the contract between FSSA and the Firm, and she had no discretionary decision-making authority over the administration of the contract once it was in place, the Employee's employment with the Firm after leaving state employment did not violate the cooling off provision of the Code's post-employment rule. Further, because there was no evidence that the Employee worked on any particular matter in which she personally and substantially participated as a state employee, the Employee did not violate the particular matter restriction of the Code's post-employment rule in her position with the Firm.

Director Boehmer's investigation found no evidence to support the allegation that the Employee violated the cooling off provision or the particular matter restriction of the Code's post-employment rule when she went to work for the Firm after leaving state employment. Further, Director Boehmer found no evidence that the Employee engaged in misuse of state property when

she reactivated her state email address after leaving state employment. As a result, the OIG is closing this case as unsubstantiated.

Dated: April 8, 2020

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