

INDIANA STATE ETHICS COMMISSION

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42 IAC 1-5-6 Conflict of economic interests IC 4-2-6-9

42 IAC 1-5-5 Conflict of interest IC 4-2-6-5.5

42 IAC 1-5-7 Prohibition against financial interest in contract IC 4-2-6-10.5

42 IAC 1-5-1 Gifts

IC 4-2-6-1 Definitions

The Ethics Officer for the Indiana Department of Homeland Security (IDHS) sought advice on behalf of Employee, the Director of the newly created Office of School Safety within IDHS, concerning potential conflicts of interests regarding Employee and her husband's interactions with INSROA, NASRO, and the MSD of Decatur Township.

The Commission finds Employee and her husband's interactions with INSROA and NASRO do not create a conflict of interests under the Code of Ethics but requests IDHS files a disclosure as outlined below and undergoes a yearly review to ensure disclosure steps are being followed. The Commission also finds a conflict of interests as it relates to Employee's position as Chair of the Secured School Safety Board and Employee's husband's position as Chief of the Decatur Township Schools Police Department. Accordingly, Employee must recuse herself from secured school safety funding votes in which MSD of Decatur Township has a financial interest and follow the appropriate disclosure and notification requirements.

November 13, 2025
2025-FAO-003

The Indiana State Ethics Commission issues the following Formal Advisory Opinion concerning the State Code of Ethics pursuant to Ind. Code § 4-2-6-4(b)(1). The following opinion is based exclusively on sworn testimony and documents presented by the requestor, Indiana Department of Homeland Security, via its Ethics Officer and the state employee (Employee), whose outside professional activities serve as the primary basis for this request.

BACKGROUND

Employee has recently been hired as the Director of the newly created Office of School Safety (OSS) within IDHS. The OSS will take over duties previously handled by the Indiana Department of Education's school safety division. IDHS and Employee request the Commission's FAO regarding Employee's potential outside professional activities with the Indiana School Resource Officers Association (INSROA) and the National Association of School Resource Officers (NASRO), as well as her husband's professional activities with INSROA, NASRO, and the Decatur Township Schools Police Department.

The OSS is responsible for school safety specialist training and certification, and it supports Indiana schools' safety efforts in a variety of ways by establishing and maintaining guidelines on school facility security, emergency response protocols, and school safety plans. The OSS also works with safe school committees, the Secured School Safety Board, Indiana Department of Education, Institute for Criminal Justice, and other state agencies to address school safety

issues.

The OSS conducts school safety reviews and provides support to school corporations and school safety specialists throughout Indiana. It also helps schools establish mutual aid disaster assistance agreements and coordinates IDHS response and recovery efforts in the event of a manmade or natural disaster at a school.

Employee's background includes being a former Sergeant with the Columbus Police Department, where she oversaw the School Resource Officer Division and was a School Resource Officer for Bartholomew County Schools. Employee is currently affiliated with two professional organizations that support school safety and law enforcement: INSROA and NASRO.

Employee served as President of INSROA for the past three years. She recently stepped down from that role and now holds the title of Immediate Past President, a designation which includes being on the Board of Directors and having voting rights. Employee has notified INSROA leadership that she has relinquished these rights and will not participate in the organization as a traditional Immediate Past President. She continues to retain a life-time tenure and honorary membership with INSROA. Anyone can become an INSROA member if they are active law enforcement or if the person is connected to a law enforcement or educational institution for a cost of \$50. Membership includes a \$50 discount on registration for INSROA conferences, access to a member directory, shared resources, and discussion boards.

Furthermore, Employee's husband is an INSROA member and Training Director. As Training Director, he is a member of INSROA's Board of Directors. The Board of Directors has custody, control, and management of all funds, property, and effects of INSROA and the power to establish policy and procedure. The Training Director organizes training materials and develops training, summarizes evaluation reports for trainings and provides outcomes to the Board of Directors, supports administrative functions of training programs, and has voting power, among other duties.

In the past, IDOE partnered with INSROA to provide speakers at trainings and conferences. The OSS intends to continue engaging INSROA to provide speakers. The OSS will not contract directly with INSROA for the speakers, but INSROA will offer suggestions on who the speakers should be. The OSS will likely enter into contracts with the speakers INSROA suggests.

Employee is a member of, and an instructor for, NASRO. Employee is not an employee of NASRO but serves as an instructor in an independent contractor capacity. In the past, she received compensation for being an instructor; specifically, NASRO paid for her services, travel, lodging, and meals. If she is approved to continue working as an instructor, Employee will not be compensated by NASRO. All travel, meals, and lodging will be paid for by IDHS. Further, IDHS will consider providing instruction as part of her IDHS duties since she will continue to learn about best practices related to school safety and School Resource Officer training, which aligns with the mission of the OSS. Employee must be a member to receive instructor materials.

Employee's husband is also a NASRO member, instructor, and will soon be appointed Region 5 Director. He is an independent contractor when providing instructor services. Currently, NASRO pays for his services, travel, lodging, and meals when he provides instruction. As Region 5 Director, he will be a member of the Board of Directors, which manages NASRO's affairs and exercises corporate powers including, but not limited to, appointing committees and agents, managing finances, borrowing money, and designating meeting locations and business offices.

Anyone can become a NASRO member if they are employed by a law enforcement agency or a school district as a School Resource Officer or if they have demonstrated an interest in advancing School Resource Officer programs and support the overall goals and values of NASRO. The membership, which costs \$50, comes with the following benefits: up to a \$50 discount on registration for NASRO's annual National School Safety Conference and for all its other courses, access to NASRO's School Law Database, resources such as sample Memoranda of Understanding, members-only email group, and lesson plans.

Ind. Code § 20-26-18.2-1(c) requires that a law enforcement officer appointed as a school resource officer receive at least forty hours of school resource officer training through: (1) the Indiana law enforcement training board; (2) NASRO; or (3) another school resource officer training program approved by the Indiana law enforcement training board. Currently, there are no training courses provided by the Indiana law enforcement training board, and it has approved a few programs, but IDHS is of the opinion that none of these programs can support the 40-hour training requirement and these programs do not have the same certification as NASRO. Consequently, in practice, all training in Indiana is provided by NASRO.

Previously, IDOE contracted with NASRO to provide training; the OSS will also contract with NASRO to provide these trainings.

ISSUES

Which ethics issues, if any, might arise when the OSS continues to engage INSROA to provide speakers?

Which ethics issues, if any, might arise when the OSS contracts with NASRO to provide training?

Which ethics issues, if any, might arise when MSD of Decatur Township applies for a secured school safety funding grant?

RELEVANT LAW

IC 4-2-6-9 (42 IAC 1-5-6)

Conflict of economic interests; commission advisory opinions; disclosure statement; written determinations

Sec. 9. (a) A state officer, an employee, or a special state appointee may not participate in any decision or vote, or matter relating to that decision or vote, if the state officer, employee, or special

state appointee has knowledge that any of the following has a financial interest in the outcome of the matter:

- (1) The state officer, employee, or special state appointee.
 - (2) A member of the immediate family of the state officer, employee, or special state appointee.
 - (3) A business organization in which the state officer, employee, or special state appointee is serving as an officer, a director, a member, a trustee, a partner, or an employee.
 - (4) Any person or organization with whom the state officer, employee, or special state appointee is negotiating or has an arrangement concerning prospective employment.
- (b) A state officer, an employee, or a special state appointee who identifies a potential conflict of interest shall notify the person's appointing authority and ethics officer in writing and do either of the following:

- (1) Seek an advisory opinion from the commission by filing a written description detailing the nature and circumstances of the particular matter and making full disclosure of any related financial interest in the matter. The commission shall:
 - (A) with the approval of the appointing authority, assign the particular matter to another person and implement all necessary procedures to screen the state officer, employee, or special state appointee seeking an advisory opinion from involvement in the matter; or
 - (B) make a written determination that the interest is not so substantial that the commission considers it likely to affect the integrity of the services that the state expects from the state officer, employee, or special state appointee.
- (2) File a written disclosure statement with the commission that:
 - (A) details the conflict of interest;
 - (B) describes and affirms the implementation of a screen established by the ethics officer;
 - (C) is signed by both:
 - (i) the state officer, employee, or special state appointee who identifies the potential conflict of interest; and
 - (ii) the agency ethics officer;
 - (D) includes a copy of the disclosure provided to the appointing authority; and
 - (E) is filed not later than seven (7) days after the conduct that gives rise to the conflict.

A written disclosure filed under this subdivision shall be posted on the inspector general's Internet web site.

(c) A written determination under subsection (b)(1)(B) constitutes conclusive proof that it is not a violation for the state officer, employee, or special state appointee who sought an advisory opinion under this section to participate in the particular matter. A written determination under subsection (b)(1)(B) shall be filed with the appointing authority.

IC 4-2-6-5.5 (42 IAC 1-5-5)

Conflict of interest; advisory opinion by commission

Sec. 5.5. (a) A current state officer, employee, or special state appointee may not knowingly do any of the following:

- (1) Accept other employment involving compensation of substantial value if the responsibilities of that employment are inherently incompatible with the responsibilities of public office or require the individual's recusal from matters so central or critical to the

performance of the individual's official duties that the individual's ability to perform those duties would be materially impaired.

(2) Accept employment or engage in business or professional activity that would require the individual to disclose confidential information that was gained in the course of state employment.

(3) Use or attempt to use the individual's official position to secure unwarranted privileges or exemptions that are:

(A) of substantial value; and

(B) not properly available to similarly situated individuals outside state government.

(b) A written advisory opinion issued by the commission stating that an individual's outside employment does not violate subsection (a)(1) or (a)(2) is conclusive proof that the individual's outside employment does not violate subsection (a)(1) or (a)(2).

IC 4-2-6-10.5 (42 IAC 1-5-7)

Prohibition against financial interest in contract; exceptions; disclosure statement; penalty for failure to file statement

Sec. 10.5. (a) Subject to subsection (b), a state officer, an employee, or a special state appointee may not knowingly have a financial interest in a contract made by an agency.

(b) The prohibition in subsection (a) does not apply to a state officer, an employee, or a special state appointee who:

(1) does not participate in or have contracting responsibility for the contracting agency; and

(2) files a written statement with the inspector general before the state officer, employee, or special state appointee executes the contract with the state agency.

(c) A statement filed under subsection (b)(2) must include the following for each contract:

(1) An affirmation that the state officer, employee, or special state appointee does not participate in or have contracting responsibility for the contracting agency.

(2) An affirmation that the contract: (A) was made after public notice and, if applicable, through competitive bidding; or (B) was not subject to notice and bidding requirements and the basis for that conclusion.

(3) A statement making full disclosure of all related financial interests in the contract.

(4) A statement indicating that the contract can be performed without compromising the performance of the official duties and responsibilities of the state officer, employee, or special state appointee.

(5) In the case of a contract for professional services, an affirmation by the appointing authority of the contracting agency that no other state officer, employee, or special state appointee of that agency is available to perform those services as part of the regular duties of the state officer, employee, or special state appointee. A state officer, employee, or special state appointee may file an amended statement upon discovery of additional information required to be reported.

(d) A state officer, employee, or special state appointee who:

(1) fails to file a statement required by rule or this section; or

(2) files a deficient statement; before the contract start date is, upon a majority vote of the commission, subject to a civil penalty of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

42 IAC 1-5-1

Gifts; travel expenses; waivers

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.

IC 4-2-6-1 Definitions

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

...

- (9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.
- (10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation.

ANALYSIS

IDHS's request for a FAO invokes consideration of the provisions of the Code pertaining to conflicts of interests, interests in contracts, and gifts. The application of each provision to Employee's situation is analyzed below.

A. Conflict of interests - decisions and votes

Ind. Code § 4-2-6-9(a)(3) prohibits Employee from participating in any decision or vote, or matter relating to that decision or vote, if a business organization in which she is serving as an officer, director, member, trustee, partner, or employee has a financial interest.

I. INSROA

Employee holds the title of Immediate Past President as defined by INSROA's bylaws; this includes being on the Board of Directors and having voting rights. Employee notified INSROA leadership that she has relinquished these rights and will not participate in the organization as a traditional Immediate Past President. She retains a life-time tenure and honorary membership with INSROA.

The OSS intends to engage INSROA to provide speakers at trainings and conferences, but the OSS will not contract directly with INSROA for the speakers. INSROA will offer suggestions on who the speakers should be, and the OSS will contract directly with the speakers.

The Commission finds that no conflict of interests arises in this situation as the OSS will not contract with INSROA.

II. NASRO

IDHS explains that Employee is a member of, and instructor for, NASRO. IDHS further explains that Employee is not an employee of NASRO but serves as an instructor in an independent contractor capacity. In the past, Employee has received compensation for being an instructor. NASRO paid for her services, travel, lodging, and meals. However, if her contract work as an instructor is approved, Employee will not receive compensation from NASRO. IDHS explains that it will consider providing instruction with NASRO as part of her IDHS duties, and IDHS will pay for her travel, lodging, and meals. The OSS will contract with NASRO to provide school resource officer training as required by statute.

Furthermore, Employee's husband is a NASRO member, instructor, and will soon be appointed Region 5 Director, making him a member of the Board of Directors. He is an independent contractor for his instructor services. NASRO pays for his services, travel, lodging, and meals when he provides instruction. Each contract between NASRO and IDHS would include a provision that Employee's husband will not be an instructor under the IDHS-NASRO contract; accordingly, Employee's husband will not receive compensation from and will not have a financial interest in any IDHS-NASRO contract.

IDHS argues that Employee would not have a conflict of interests in her new role as OSS Director with NASRO for the following reasons: (1) she would not have a financial interest in the contract between IDHS and NASRO since she would not receive compensation or reimbursement for her instructor duties; (2) while her husband receives compensation from NASRO, IDHS would not use his services, so he would not benefit from any contract between NASRO and IDHS; and (3) although Employee is a dues-paying member of NASRO, she is not *serving* as a member because being a member does not give her decision-making or voting abilities for NASRO. IDHS contends the language in the statute implies a member must have some decision-making authority for the business organization guiding the direction the organization takes and the initiatives in which it is involved. IDHS further contends that Employee is not an employee of NASRO as she conducts her instructor duties as an independent contractor.

The Commission finds that Employee does not have a conflict of interests related to NASRO, noting she will not receive any compensation from NASRO for her instructor services and engaging in NASRO instructor responsibilities would be considered part of her OSS Director duties. The Commission acknowledges the overall benefit of ensuring a close relationship between the OSS and NASRO given the importance of the work at hand.

The Commission does, however, recognize the potential appearance of impropriety given Employee's and the OSS's close work with NASRO and Employee's husband's position as a Board Member. Accordingly, the Commission recommends and requests, in the interest of full transparency, that IDHS file a disclosure at the outset of each contract with NASRO affirming that Employee's husband will not act as an instructor under the contract for so long as Employee and her husband hold their respective IDHS and NASRO roles. The Commission further requests that IDHS undergo a yearly review to ensure that these disclosure steps are being followed.

III. MSD of Decatur Township

Employee chairs the Indiana Secured School Safety Board as the IDHS Executive Director designee pursuant to Ind. Code § 10-21-1-3(b)(1). As Chair, she participates in the vote for secured school safety funding. MSD (Metropolitan School District) of Decatur Township has received secured school safety funding since the fund's inception (FY 2014), except for one year when it missed the application deadline (FY 2024). Employee's husband serves as the Chief of Decatur Township Schools Police Department.

IDHS explained that Employee would not be involved in the initial committee review of grant applicants, but as Chair of the Indiana Secured School Safety Board, she would participate in the Board's vote affirming the grant recipients. IDHS further explained that the Board generally affirms the committee's recommendation regarding the grant recipients and that all applicants typically receive their requested funding so long as they are an eligible entity and pick an eligible project.

The Commission finds that this situation creates a conflict of interests, and Employee should (1) recuse herself from any secured school safety funding votes in which MSD of Decatur Township has a financial interest and (2) file a disclosure statement in compliance with Ind. Code § 4-2-6-9.

B. Moonlighting

Employee's instructor role with NASRO would create a conflict of interests under Ind. Code § 4-2-6-5.5 if it results in any of the following: (1) Employee receiving compensation of substantial value if the responsibilities of the employment are inherently incompatible with the responsibilities of public office or require her recusal from matters so central or critical to the performance of her official duties that his ability to perform them would be materially impaired; (2) Employee disclosing confidential information that was gained in the course of her state employment; or (3) Employee using or attempting to use her official position to

secure unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals outside state government.

The Commission finds that because Employee's work with NASRO will be part of her official IDHS duties, there are no concerns regarding moonlighting as this rule is not implicated.

C. Interest in a State Contract

Ind. Code § 4-2-6-10.5 prohibits Employee from having a financial interest in a contract with any state agency. The Code defines "financial interest" to include an interest arising from employment. The Commission has interpreted this rule to apply when a state employee derives compensation from a contract between a state agency and a third party.

IDHS explains that if allowed to continue acting as a NASRO instructor, Employee will not receive compensation for such work.

The Commission finds that because Employee will not receive compensation from NASRO, she would not have a financial interest in any contract with NASRO; therefore, Ind. Code § 4-2-6-10.5 will not present an issue for Employee

D. Gifts

42 IAC 1-5-1 prohibits state employees, and their spouses, from accepting gifts from persons with a business relationship with the employee's agency. IDHS asks whether this would prevent Employee's husband from accepting compensation for his services, travel, lodging, and meals from NASRO when performing his instructor duties.

The Commission finds that Employee's compensation, travel, lodging, and meals are compensation for his NASRO instructor services; therefore, the gift rule would not apply to the situation.

CONCLUSION

The Commission finds Employee and her husband's interactions with INSROA and NASRO do not create conflicts of interests under Ind. Code § 4-2-6-9; however, Employee's husband's position with MSD of Decatur Township creates a conflict of interests under Ind. Code § 4-2-6-9, and she must recuse herself from any secured school safety funding votes in which MSD of Decatur Township has a financial interest and follow Ind. Code § 4-2-6-9's disclosure and notification requirements. The Commission requests, in the interest of transparency, that IDHS file a disclosure at the outset of each contract with NASRO affirming that Employee's husband will not act as an instructor under the contract for so long as Employee and her husband hold their respective IDHS and NASRO roles. The Commission further requests that IDHS undergo a yearly review to ensure that these disclosure steps are being followed.

The Commission finds that as Employee work with NASRO will be part of her official IDHS duties, there are no concerns regarding moonlighting as Ind. Code § 4-2-6-5.5 is not implicated.

The Commission finds that because Employee will not receive compensation from NASRO, Ind. Code § 4-2-6-10.5 would not present an issue for Employee.

Finally, the Commission finds that Employee's compensation, travel, lodging, and meals are compensation for his NASRO instructor services and, therefore, the gift rule would not apply to the situation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Regan Perrodin".

Regan Perrodin
State Ethics Commission Director
Office of Inspector General