

INDIANA STATE ETHICS COMMISSION

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42 IAC 1-5-14 Post-employment Restrictions IC 4-2-6-11

Former Employee, who previously worked for the Indiana Department of Child Services, (DCS) sought the State Ethics Commission's (Commission) determination as to whether his work with DCS establishing the Jay County Family Resource Center (FCR) would constitute personal and substantial participation in a particular matter under the Code of Ethics (Code) such that the Code would prohibit his management of the FCR during his post-state employment with Firefly Children and Family Alliance (Firefly). The Commission finds Former Employee's participation in the establishment of the FCR was personal and substantial and he must continue to be screened from any work with Jay County FCR at Firefly.

August 13, 2026
2026-FAO-004

The Indiana State Ethics Commission (Commission) issues the following Formal Advisory Opinion (FAO) concerning the State Code of Ethics (Code) pursuant to IC 4-2-6-4(b)(1). The following opinion is based exclusively on sworn testimony and documents presented by the requestor, Former Employee, former Local Office Director with the Indiana Department of Child Services (DCS), and Ethics Officer, the Chief Ethics and Compliance Officer and Ethics Officer with DCS.

BACKGROUND

Former Employee began his role as Director – Community Partners for Child Safety with Firefly Children and Family Alliance (Firefly) on February 23, 2026, after his tenure as the Local Office Director of the DCS Jay County Office concluded. Firefly is a contracted service provider for DCS. As part of his official DCS duties, Former Employee engaged with Firefly on child abuse and neglect prevention measures and aided in the establishment of the Jay County Family Resource Center, which provides community-based resources for Jay County residents and is supported in-part by Firefly.

While Former Employee is expected to engage with the Jay County Family Resource Center as part of his official Firefly duties, he has recused himself from all matters concerning, related to, and involving the Jay County Family Resource Center since beginning his employment with the entity. Since assuming the Firefly role, Former Employee's job duties have included:

- Managing the Family Resource Centers (FRCs) located within Delaware and Grant counties;
- Ensuing Community Partners for Child Safety Program is meeting the DCS-outlined service standards;
- Training Firefly staff on effective child welfare best practices;
- Receiving and reviewing service referrals for prevention services from DCS, schools, medical providers, and community member self-referrals;

- Engaging and collaborating with community resources in each county toward prevention efforts – including DCS local offices, hospitals, faith-based organizations, schools, First Steps, Head Start, and Healthy Families Indiana as well as FRCs;
- Managing and overseeing program budgets for the provision of abuse and neglect prevention services and efforts; and
- Interacting with DCS staff to ensure prevention needs are met through the Firefly Community Partners for Child Safety Program

As a Local Office Director with DCS, Former Employee's key responsibilities included, but were not limited to, managing the daily administrative operations of the office; managing office budgetary matters; directly training and supervising the child welfare-related work of Family Case Managers and one Family Case Manager Supervisor; directly training and supervising clerical staff; reviewing cases concerning DCS-involved children and families; assisting the local DCS Legal Division staff with child welfare-related matters; and attending case-related legal proceedings.

Former Employee's role also incorporated a public-facing component: he engaged with members of the Jay County community and cultivated, oversaw, and maintained official relationships with public officials serving Jay County and the State of Indiana, employees of local law enforcement and healthcare agencies, and myriad individuals and entities invested in the provision of child welfare services. Referred to as "community partners" and "community liaisons," such entities provide services to both DCS-involved families and those without DCS involvement. Through these relationships, Former Employee kept abreast of trends and available state and local resources that could benefit the children and families the DCS Jay County Office serves.

Between 2022 and 2025, Former Employee worked with a community of child welfare professionals to implement Indiana's Framework for Prevention of Child Abuse and Neglect (Framework). The Framework provides a road map for the state and local communities to better support, empower, and protect families. It is centered on primary prevention efforts, or services and interventions available to the general population, to prevent child maltreatment before it happens. One outcome of this initiative was the need for a Family Resource Center (FRC) in Jay County. Due to its experience with establishing, funding, and operating FRCs, Former Employee and others worked with Firefly to establish the Jay County FRC, which operates in conjunction with Firefly, Purdue Extension, IU Health Healthy Beginnings, and DCS.

Former Employee and Ethics Officer submit that Former Employee's ability to engage with the Jay County Family Resource Center would be beneficial to and consistent with the public's best interest, specifically delivering a positive impact on the state of child welfare and preventing child abuse and neglect. Over the tenure of Former Employee's DCS career, he gained skills to strengthen Indiana families by using community engagement techniques, prevention efforts, and support mechanisms. They assert that employing the same within the Jay County community would lessen the burden on state resources by reducing the number of DCS-involved cases, allowing DCS to focus on the most dire situations.

ISSUES

Does Former Employee's work with DCS establishing the Jay County FRC constitute personal and substantial participation on a particular matter such that the post-employment rule would prohibit him from managing the FRC in his post-state work with Firefly?

RELEVANT LAW

IC 4-2-6-11 One year restriction on certain employment or representation; advisory opinion; exceptions; waivers; disclosure statements; restrictions on inspector general seeking state office

ANALYSIS

Former Employee's request for a Formal Advisory Opinion invokes consideration of the provisions of the Code pertaining to post-employment and confidential information. The application of each provision to Former Employee's situation is analyzed below.

A. Post-Employment

IC 4-2-6-11 consists of two separate limitations: a "cooling off" period and a "particular matter restriction."

1. The "cooling off" period

The first prohibition, commonly referred to as the cooling off or revolving door provision, prevents Former Employee from accepting employment from an employer for 365 days from the date he left state employment under various circumstances. Ethics Officer stated that Former Employee sought an Informal Advisory Opinion before beginning employment negotiations with Firefly and was advised that the cooling off period did not prohibit his employment with Firefly.

In 2023-FAO-009, when a former state employee had already accepted employment from an employer within the 365-day cooling-off period, the Commission declined to retroactively analyze the applicability of this provision of the post-employment rule. As Former Employee has already accepted employment with Firefly within the 365-day cooling-off period, the Commission declines to retroactively analyze the applicability of this provision of the post-employment rule.

2. The particular matter restriction

The second prohibition under the post-employment rule, commonly referred to as the particular matter restriction, prevents a former state employee from working on the types of matters listed in IC 4-2-6-11(a) if they personally and substantially participated in the matter as a state employee. These matters are 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project, or 12) a public works project. The particular matter restriction is not limited to 365 days but instead extends for the *entire life of the matter at issue*, which may be indefinite.

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Particular matter

Firefly is a contracted service provider for DCS and bills DCS for services rendered pursuant to DCS service referrals. This includes referrals related to the Jay County FRC. As such, it meets the definition of a "particular matter" under IC 4-2-6-11(a).

Former Employee described his role in establishing Jay County FRC as an effort he led and advocated for. The Commission asked Former Employee if he agreed that his involvement was "personal and substantial." Former Employee stated that establishing the Jay County FRC was a "big investment" for him.

Since starting his employment with Firefly, Former Employee has been screened from any work with the Jay County FRC. His colleagues have been handling those matters, as they did before Former Employee began his employment. Former Employee did not indicate that this has posed a significant hardship for himself, his colleagues, or Firefly.

Considering all the above, the Commission determines that the particular matter restriction prohibits Former Employee from managing or working on other matters related to the Jay County FRC.

CONCLUSION

Former Employee's work during his time at DCS to help establish the Jay County FRC was important work, and no doubt a service to his community. Regardless, Firefly's contractual and financial relationship with DCS for services relating to the Jay County FRC constitutes a particular matter as defined by IC 4-2-6-11(a). Former Employee's involvement in establishing that matter was, by his own admission, personal and substantial. As such, Former Employee should continue to be screened from any work with Jay County FRC.

Respectfully Submitted,

Rachael Ehlich
State Ethics Commission Director
Office of Inspector General