

**MINUTES OF THE MEETING OF  
THE INDIANA STATE ETHICS COMMISSION  
September 13, 2018**

**I. Call to Order**

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:00 a.m. Commission members present included Katherine Noel, Acting Chair; Corinne Finnerty; and Sue Anne Gilroy. Staff present included Jennifer Cooper, Ethics Director; Lori Torres, Inspector General; Heidi Adair, Staff Attorney; Tiffany Mulligan, Chief Legal Counsel; and Celeste Croft, Legal Assistant, Office of Inspector General.

Others present were Gina Williams, Deputy Director, Department of Financial Institutions; Deana Smith, Attorney/Ethics Officer, State Department of Health; Jared Prentice, Compliance and Ethics Director, Department of Revenue; Mattheus Mitchel, Compliance & Ethics Specialist, Department of Revenue; Ryan Black, Deputy Director, Department of Financial Institutions; Nicole Buskill, General Counsel, Department of Financial Institutions; Claire Szpara, Staff Attorney, Department of Insurance; Brock Herr, Director of Account Management and Counsel, Economic Development Corporation; Manda Clevenger, Attorney, State Department of Health; and Michelle Stanley, Attorney, State Board of Accounts.

**II. Adoption of Agenda and Approval of Minutes**

Commissioner Gilroy moved to adopt the Agenda and Commissioner Finnerty seconded the motion which passed (3-0). Commissioner Gilroy moved to approve the Minutes of the August 9, 2018 Commission Meeting and Commissioner Noel seconded the motion which passed (2-0). Commissioner Finnerty abstained from the vote, as she was not present at the August 9, 2018 Commission Meeting.

**III. Consideration of Post-Employment Restrictions Waiver  
**For Ryan Black, Deputy Director**  
**Presented by Nicole Buskill, General Counsel/Ethics Officer**  
**Department of Financial Institutions****

Nicole Buskill, General Counsel and Ethics Officer, presented a post-employment waiver on Ryan Black’s behalf. Mr. Black currently serves as the Deputy Director of Consumer Credit Division for the Department of Financial Institutions. Mr. Black came before the Commission to obtain permission to waive the cooling off period of the post-employment rule as it related to his potential employment with OneMain Financial (OMF). At OMF, Mr. Black would serve as the Vice President/Director of Government Relations, requiring him to present company views to state and national legislators and promote a better understanding of OMF’s business with the opinion forming portion of the business community through direct and personal contact; represent and advocate for OMF in front of regulators, legislators, and other key policymakers and

constituencies; track legislation, regulations, and trends that impact OMF; develop and execute strategies that effect legislation and regulations impacting OMF; develop relationships with legislators and Commissioners of Banking and Insurance; work with associations related to OMF; and prepare budgets for the southeast and Midwest portions of the country, excluding Indiana. Mr. Black would not be required to have contact with the State of Indiana nor the Department of Financial Institutions, as another OMF employee is responsible for this territory. The Commission believed that Mr. Black had complied with the requirements of the waiver and that he thoroughly understood the post-employment restrictions rule regarding the cooling off period and how it applied to his potential post-employment opportunity. Based on the aforementioned, Commissioner Gilroy moved to approve the Post-Employment Restrictions Waiver and Commissioner Finnerty seconded the motion which passed (3-0).

## **VII. Director's Report**

State Ethics Director, Jen Cooper, reported that 33 informal advisory opinions had been issued since the last Commission meeting, mostly dealing with conflicts of interest, post-employment restrictions, outside employment/moonlighting, and gifts.

Lastly, Ms. Cooper announced that the Office of Inspector had hired a new Staff Attorney, Heidi Adair, a recent Indiana University Robert H. McKinney School of Law Graduate, who began working August 22, 2018.

## **VIII. Adjournment**

Commissioner Finnerty moved to adjourn the public meeting of the State Ethics Commission and Commissioner Gilroy seconded the motion, which passed (3-0).

The public meeting adjourned at 10:20 a.m.

INDIANA  
OFFICE OF INSPECTOR GENERAL

315 WEST OHIO STREET, ROOM 104, INDIANAPOLIS, IN 46202 317.232.3850

**Report of Inspector General to  
State Ethics Commission  
2018 Q3**

1. IAOs: Q3 July 1 – September 30:
  - a. 78 issued in Q3, projecting 320 for the year.
    - i. Compares to 85 issued in Q2
    - ii. Compares to 91 in Q3 in 2017
    - iii. 2017 we issued 371
2. Investigations: Q3 July 1 – September 30:
  - a. 90 Requests to Investigate
    - i. Compares to 78 in Q2
    - ii. 268 YTD compared to 215 at this time in 2017
  - b. 18 New investigations opened by our office.
    - i. Compared to 9 in Q2
    - ii. Compared to 18 in Q3 2017
  - c. 10 Closed investigations
    - i. Compared to 16 closed in Q2
    - ii. Compared to 15 closed for Q3 in 2017
    - iii. 26 of 37 closed cases are published on the website
3. KPI's for Q3
  - a. KPI #1 - Number of informal advisory opinions (“IAO”s) requested **87**
  - b. KPI #2 - Average number of business days to provide an IAO **1.23**
  - c. KPI #3 - Number of recommendations made to reduce waste, inefficiency, fraud and improve integrity **4 Q3, 27 CYTD**
4. Ethics Officer Audit Phase 3 underway
  - a. Phase 1 – 34 agencies where agency head and/or ethics officer were not current. All have come into compliance.
  - b. Phase 2 – 20 agencies with a current designation, filed more than 18 months ago on out of date form. 3 outstanding.
  - c. Phase 3 – 23 agencies and elected officials asked to use new template. 5 outstanding
  - d. 2018 Legal & Ethics Conference
    - i. Tuesday, November 13 1:00 – 4:30 p.m.

# INDIANA STATE POLICE

INDIANA GOVERNMENT CENTER NORTH  
100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46204-2259

[www.IN.gov/isp](http://www.IN.gov/isp)

December 3, 2018

TO: Indiana Ethics Commission

FROM: Nila Miller-Cronk, Major  
Commander, Office of Professional Standards

SUBJECT: Request for Formal Advisory Opinion

On October 2, 2018, as the Department's Ethics Officer, I submitted and requested an ethics informal advisory opinion through the Inspector General's Office on behalf of Captain Jay Nawrocki. You write that FCA has invited Capt. Nawrocki to serve as a member on their Police Advisory Board (the Board). It is Capt. Nawrocki's understanding that he would serve as a representative for ISP on the Board. You provide that the driving force behind the Board is a desire to continue to make improvements in safety and technology to law enforcement products. The goal of the Board is to facilitate discussions between police fleet professionals and FCA fleet representatives regarding sales, engineering, support and service.

In the informal advisory opinion Staff Attorney Kelly C. Elliott stated (in-part) the following:

*Thank you for contacting our office in your capacity as Ethics Officer for the Indiana State Police (ISP). I understand you are seeking advice on behalf of Captain Jay Nawrocki, who serves in ISP's Logistic Section. In his position with ISP, Capt. Nawrocki administers the day-to-day management of ISP's vehicle fleet. He gathers information and makes recommendations to his Major and primary staff on new vehicle needs. He also makes recommendations on the number of vehicles ISP should purchase based on their current and anticipated needs.*

*You provide that ISP does business with and makes purchases from Fiat Chrysler Automobiles (FCA) relating to ISP commission vehicles. The Indiana Department of Administration (IDOA) also purchases vehicles from FCA for ISP's vehicle fleet. ISP is currently using Dodge Chargers as their primary patrol vehicle. Capt. Nawrocki provides he has had three meetings in three years with FCA representatives regarding engine and power steering problems with ISP vehicles.*

*You write that FCA has invited Capt. Nawrocki to serve as a member on their Police Advisory Board (the Board). It is Capt. Nawrocki's understanding that he would serve as a representative for ISP on the Board. You provide that the driving force behind the Board is a desire to continue to make improvements in safety and technology to law enforcement products. The goal of the Board is to facilitate discussions between police fleet professionals and FCA fleet representatives regarding sales, engineering, support and service.*

*You write that the Board is a board of advisors only, and Capt. Nawrocki's position on the Board would be only advisory in nature. Board members provide open and honest input and feedback regarding matters before the Board. They also bring forth issues and concerns that they or their agency may be experiencing and discuss future products. Capt. Nawrocki would not have the ability to cast a vote on any matters before the Board.*

*You explain that Capt. Nawrocki's membership on the Board would be considered part of his official state duties. He would not receive any additional compensation from FCA for serving on the Board. You provide that the Board meets once per year, and FCA covers travel expenses to the meeting for Board members. However, you state that should Capt. Nawrocki's membership on the Board be approved, ISP will pay for his travel expenses to the yearly Board meeting.*

*I understand you are seeking advice to determine whether, under the Code of Ethics (Code), it would be acceptable for Capt. Nawrocki to serve on the Board.*

*Your inquiry primarily invokes consideration of the ethics rules on conflicts of interests as it pertains to decisions and votes and gifts. I included all relevant rules and definitions at the end of this opinion for your reference.*

**Conflicts of Interests; Decisions and Votes**

*Capt. Nawrocki will want to be mindful of IC 4-2-6-9, which pertains to conflicts of interests; decisions and votes. This rule prohibits him from participating in any decision or vote, or matter related to that decision or vote, if he has knowledge that various persons may have a financial interest in the outcome of the matter, including a business organization in which he serves as a member. In addition, the rule requires a state employee who recognizes a potential conflict of interests to notify his agency's appointing authority and ethics officer in writing and either (1) seek a formal advisory opinion from the Commission or (2) file a written disclosure form with our office.*

*You write that ISP does business with and makes purchases from FCA relating to ISP commission vehicles. IDOA also purchases vehicles from FCA for ISP's vehicle fleet. In Capt. Nawrocki's position with ISP, he administers the day to day management of ISP's vehicle fleet and makes recommendations regarding the number of vehicles ISP should purchase. As such, it*

*appears that Capt. Nawrocki is in a position to participate in decisions or votes, or matters related to those decisions or votes, in which FCA would have a financial interest in the outcome.*

*The Commission has not defined what a "business organization" or "member" is for purposes of IC 4-2-6-9; therefore, it is unclear whether Capt. Nawrocki's membership on the Board would qualify him as a member of FCA. **Therefore, should Capt. Nawrocki choose to serve on the Board, the safest course of action would be for Capt. Nawrocki to request a formal advisory opinion from the Commission for a final determination as to whether a potential conflict exists, or file a written ethics disclosure form with our office to disclose the potential conflict that has been identified.***

### **Gifts**

*Capt. Nawrocki will also want to be aware of 42 IAC 1-5-1, which is the gift rule. The gift rule states, in part, that a state employee shall not knowingly solicit, accept, or receive any gift, favor, service, entertainment, food, drink, travel expenses, or registration fees from: (1) a person who has a business relationship with the employee's agency; or (2) a person who is seeking to influence an action by the employee in his official capacity.*

*"Business relationship" is defined in IC 4-2-6-1(a)(5) to include the dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing (i) a pecuniary interest in a contract or purchase with an agency; (ii) a license or permit requiring the exercise of an agency's judgment or discretion; or (iii) a lobbyist.*

*The general prohibition on gifts is subject to the eight exceptions outlined in subsection (b) of 42 IAC 1-5-1 or its application in certain circumstances may be waived by the agency's appointing authority as provided for in subsections (c) and (d).*

*You write that ISP does business with and makes purchases from FCA relating to ISP commission vehicles. IDOA also purchases vehicles from FCA for ISP's vehicle fleet. As such, FCA has a business relationship with ISP. **Accordingly, Capt. Nawrocki cannot accept any gifts, including travel expenses, from FCA unless an exception to the gift rule applies or he receives a gift waiver from ISP's appointing authority.***

*Although you indicate ISP will cover Capt. Nawrocki's travel expenses to the yearly Board meeting, Capt. Nawrocki does have the option of applying for a gift waiver in order to accept FCA's offer to pay for his travel expenses. You, as ISP's Ethics Officer, or ISP's appointing authority can waive the application of the gift rule in this instance if ISP believes acceptance of the gift would be in the public interest. If ISP chooses this option, the written waiver must be submitted to the Commission within 30 days of receipt of the gift in accordance with subsections (c) and (d) of the rule.*

**Confidential Information**

*Finally, Capt. Nawrocki will want to keep in mind the ethics rules pertaining to confidential information found at 42 IAC 1-5-10 and 42 IAC 1-5-11. These rules prohibit state employees from benefitting from, permitting another person to benefit from, or divulging information of a confidential nature except as permitted by law. To the extent that Capt. Nawrocki will possess information of a confidential nature by virtue of his position with ISP that could be used to benefit the Board or FCA, or any other person, he must ensure that he complies with these rules.*

*Additionally, although Capt. Nawrocki's membership on the Board may not amount to an ethics violation, it may present the appearance of impropriety and/or unfair competition by other fleet vehicle competitors. **I strongly advise that Capt. Nawrocki work with you to discuss ways to minimize any appearance of impropriety or unfair competition that could arise.** You may also wish to review Investigative Report 2017-04-0071, wherein our office addressed a similar matter regarding state employees serving as voting members on a state contractor's board of directors. In the Report, our office provided recommendations on ways the state agencies and employees could reduce the appearance of conflicts of interests or unfair competition.*

The Indiana State Police Department respectfully requests this matter to be included on the agenda for the next monthly Commission meeting which is scheduled for Thursday, December 13, 2018, for the purposes of rendering an ethics formal advisory opinion on this matter. The Department would like to know if as long as the ISP pays for all travel expenses related to Captain Nawrocki's membership and participation on this Board and Captain Nawrocki understands his limitations regarding confidential information, would it be an ethics violation for Captain Nawrocki to serve as a member of the Police Advisory Board of Fiat Chrysler Automobiles.

If you have any questions or need any additional information, please feel free to contact me at 317-232-8326 (office) or 317-694-7620 (cell).

Respectfully requested,



Nila Miller-Cronk  
Major

NMC/nmc

cc: Capt. Jay Nawrocki



Eric Holcomb, Governor  
State of Indiana

*Office of General Counsel*  
402 W. WASHINGTON STREET, ROOM W451, MS27  
INDIANAPOLIS, IN 46204-2744

December 3, 2018

Ethics Commission  
Office of the Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, Indiana 46202  
Via Email: [info@ig.in.gov](mailto:info@ig.in.gov)

RE: Request for Formal Advisory Opinion for Fred Madren

Dear Chairman Clevenger and members of the Ethics Commission:

The Indiana Family and Social Services Administration (“FSSA”), on behalf of Fred Madren, Jr., M.Div. BCC CPES, requests a Formal Advisory Opinion from the State Ethics Commission addressing conflicts of interest and outside employment.

Mr. Madren is the Chaplain/Educator at Larue D. Carter Memorial Hospital (“Larue Carter”). He is nationally board certified as a chaplain educator with The Institute for Clinical Pastoral Training (“ICPT”). Mr. Madren joined FSSA, through the Division of Mental Health and Addiction, in May 2018. His responsibilities include directing and participating in a full pastoral care program at Larue Carter. He functions as a staff advisor on all problems involving the spiritual needs of patients and staff. Additionally, his position requires him to direct and/or participate as an educator in an accredited clergy education program. When Mr. Madren accepted his position with FSSA, it was on the condition that he would be able to provide clinical pastoral training (“CPE”).

In addition to his work at Larue Carter, Mr. Madren also works for ICPT as an ICPT supervisor as a contract employee. ICPT offers a standardized and evidenced CPE training program to chaplains and spiritual care providers. As a contract CPE supervisor for ICPT, he receives a set amount for each student that he teaches. He teaches as a CPE supervisor outside of his scheduled work hours at Larue Carter at his home. Students pay ICPT \$1,200 for a twelve week training that is similar to a college course. At the end of the twelve week course, ICPT pays Mr. Madren one-third of the amount it collected from the students he supervised.

CPE is an interfaith experience in a supervised group setting that focuses on theological, personal and professional growth of a person. It is based on an action/reflection model. A



Ethics Commission  
RE: Fred Madren  
December 3, 2018  
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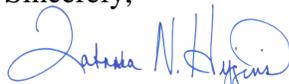
student experiences 100 hours of education and 300 clinical hours with patients in either a 12 week full time unit or a 24 week part time unit.

FSSA does not currently have a business relationship with ICPT; however, Larue Carter is in the process of restarting its CPE program with the goal of having it active for the move to the NeuroDiagnostic Institute (“NDI”). FSSA is awaiting the accreditation of ICPT through the US Department of Education before proceeding. It is anticipated that a decision will be rendered in December 2018. Mr. Madren is not involved in any aspect of the accreditation process. Nor is he in a position as Chaplain/Educator to participate in any decisions or votes or other matters related to a decision or vote where ICPT would have a financial interest. Furthermore, Mr. Madren does not have any contracting authority on behalf of FSSA.

Based on the information presented, we believe that Mr. Madren’s contract employment with ICPT is not currently incompatible with his duties at FSSA, nor does it require recusal from his official responsibilities. To the contrary, his outside employment is consistent with his responsibilities as an FSSA employee. His employment with ICPT has equipped him the requisite skills needed to be successful in his position. If FSSA enters into an agreement with ICPT, as the Larue Carter Chaplain, Mr. Madren would be responsible for reviewing student applications and deciding whether to accept students into the program. He would also be responsible for visiting schools to recruit students and directing students to the ICPT website to register.

Given that there is the potential for a business relationship to soon be established between FSSA and ICPT, we seek a formal advisory opinion regarding whether Mr. Madren may continue his contract employment with ICPT as a CPE supervisor with ICPT if FSSA and ICPT enter into a business relationship. If FSSA enters into an agreement with ICPT, and Mr. Madren commences performing his duties as the CPE supervisor, he would not accept payment from ICPT for services rendered in his official position with FSSA.

Sincerely,



Latosha N. Higgins  
Managing Attorney and Ethics Officer

December 3, 2018 – Via Email

State of Indiana Ethics Commission  
315 W. Ohio St. #104  
Indianapolis, IN 46202

## REQUEST FOR FORMAL ADVISORY OPINION

I served the State of Indiana as an employee of the Worker's Compensation Board since 2004. I was appointed as a Board Member by then Governor Mitch Daniels in 2007. I retired from my position with the State of Indiana on October 19, 2018. As a member of the Board, I was responsible for conducting hearings and making decisions regarding an employee's right to compensation and benefits under the Indiana Worker's Compensation Act. The full powers and duties of the Board are set forth in Ind. Code 22-3-1-3. As a Board member, I was not responsible for, or directly engaged in the negotiation of any contracts on behalf of the agency. The Indiana Worker's Compensation Board does not make payment of benefits or compensation but is a neutral arbitrator of disputes.

I am seeking an advisory opinion regarding the application of Ind. Code 4-2-6-11, to the private practice of law in the field of worker's compensation, post-employment. I sought an informal opinion which confirmed my opinion that my post-employment plans do not violate IC 4-2-6-11. I have attached a copy of the informal opinion.

I have also consulted with the Chair of the Indiana Worker's Compensation Board, Linda Hamilton, and she agrees that my post-employment plans do not violate Ind. Code 4-2-6-11.

My post-employment position would consist of the private practice of law on behalf of injured workers who had not previously filed a disputed claim with the Indiana Worker's Compensation Board. I will not be representing injured workers who had a pending claim while I was a Board member before the Indiana Worker's Compensation Board. Furthermore, I will not be representing employers or insurance companies who had cases before the Indiana Worker's Compensation Board when I was a member.

I believe that Ind. Code 4-2-6-11 would not bar me from the private practice of law unless I joined a firm where my employer engaged in the practice of worker's compensation while I was a Board member with the Indiana Worker's Compensation Board. Sec. 11 (b) states that the cooling off period applies only to a former state officer, employee, or special state appointee that intends to receive employment or compensation: (1) as a lobbyist, (2) from an employer if the former state officer, employee, or special state appointee was: engaged in the negotiation or the administration of one (1) or more contracts with that employer[...], (3) from an employer if the former state officer ... made a regulatory or licensing decision that directly

applied to the employer or to a parent or subsidiary of the employer. These classes of employment do not apply to the private practice of law as a sole proprietor, or on behalf of a law firm that did not previously engage in the practice of worker's compensation.

I am requesting af formal advisory opinion that post-employment practice of law as set forth in paragraph 4 of this letter does not violate Ind. Code 4-2-6-11.

Sincerely,



Krysten Lester-LeFavour

Contact Information:

5845 Lawton Loop E. Dr.

Indianapolis, IN 46216

317-217-5560

Fax: 317-217-5566

Email: [klefavour@ckflaw.com](mailto:klefavour@ckflaw.com)

STATE OF INDIANA ) INDIANA STATE ETHICS COMMISSION  
 ) SS:  
COUNTY OF MARION ) CASE NO: 2017-10-0234 INDIANA  
 STATE ETHICS COMMISSION

IN RE THE MATTER OF ARVIN COPELAND,

NOV 8 2018

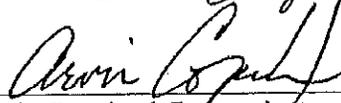
*Respondent.*

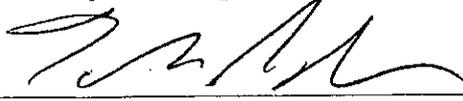
**AGREED SETTLEMENT**

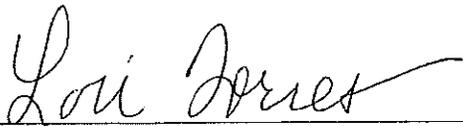
FILED

1. Respondent admits to two (2) violations of Ind. Code § 4-2-6-11(b)(2), the ethics rule pertaining to the cooling off provision of the post-employment rule, as alleged in the complaint filed herein by the Inspector General. (See Ethics Complaint filed on April 13, 2018, attached hereto as Exhibit A.)
2. Respondent agrees to pay a fine in the amount of Seven Thousand Dollars (\$7,000.00). The State Ethics Commission (Commission) will not impose any further penalties under Ind. Code § 4-2-6-12. Respondent shall make payment to the "Indiana State Ethics Commission" in no more than two installments within sixty (60) days from the date that the Commission accepts this agreement. Respondent shall make his first installment payment of at least Three Thousand Five Hundred Dollars (\$3,500) within thirty (30) days from the date that the Commission accepts this agreement.
3. Respondent acknowledges that Ind. Code § 4-2-6-11(c), the ethics rule regarding the particular matter restriction of the post-employment rule, prohibits him from working on the current contract of Witt O'Brien's, LLC with the Indiana Department of Homeland Security (EDS No. C44P-5-793B), even if the contract is amended. However, Respondent may work on any new contracts that Witt O'Brien's, LLC enters into with the State of Indiana.
4. The parties acknowledge that this agreement reflects the entire agreement between the parties, that approval of these terms by the Commission shall result in the final disposition of this proceeding, and that Respondent is waiving an alternative statutory right to a public hearing as provided in Ind. Code § 4-2-6-2 to contest the complaint.

Dated this 28<sup>th</sup> of August, 2018

  
Arvin Copeland, Respondent

  
Thomas A. John, Counsel for Respondent

  
Lori Torres, Inspector General

  
Kelly Elliott, Staff Attorney  
Office of Inspector General

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018, by the State Ethics Commission in a public meeting by a vote of \_\_\_\_ to \_\_\_\_.

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James Clevenger, State Ethics Commission Chair

STATE OF INDIANA ) INDIANA STATE ETHICS COMMISSION  
 ) SS: STATE ETHICS COMMISSION  
COUNTY OF MARION ) CASE NO: 2017-10-0234

APR 13 2018

IN RE THE MATTER OF ARVIN COPELAND,

FILED

*Respondent.*

**ETHICS COMPLAINT**

Comes now Lori A. Torres, Inspector General of the State of Indiana, by counsel, Kelly Haltom, and alleges and says that Arvin Copeland, Respondent, has violated the Indiana Code of Ethics, as follows:

1. The Indiana Department of Homeland Security (IDHS) is an executive branch agency pursuant to Ind. Code § 4-2-7-1(1).
2. Respondent, Arvin Copeland, was an employee, as defined by Ind. Code § 4-2-7-1(3) and 40 IAC 2-1-4(h), of IDHS at all times referenced herein, and thus subject to the jurisdiction of the Inspector General and the Indiana State Ethics Commission.
3. Respondent was the Director of the Division of Emergency Response and Recovery at IDHS at all times referenced herein.
4. On or about July 30, 2008, Witt O'Brien's, LLC (WO) entered into a contract with IDHS to provide disaster management services. The 2008 contract was set to expire on December 31, 2014.
5. On or about May 11, 2015, WO entered into a second contract (the Contract) with IDHS to provide disaster management services on a stand-by basis. The Contract term is from May 11, 2015 to May 13, 2019. Before WO is to start any work under the Contract, the Contract is to be amended to add a description of the project, the necessary funds, and any needed additional labor categories for that project. The Contract includes one project to be completed by WO. Phillip Brown, the Assistant



Director of the Division of Emergency Response and Recovery at IDHS (Brown), is listed as IDHS's contact on the Contract. Brown was a direct report of Respondent.

6. Prior to the Contract's execution, the Indiana Department of Administration (IDOA) issued RFP 15-005 on behalf of IDHS for disaster management services on a stand-by basis. Five vendors submitted proposals to the RFP, including WO and Innovative Emergency Management, Inc. (IEM). Respondent and three other members of his staff made up an IDHS evaluation team that scored the vendors' proposals. Respondent and the other members of the evaluation team provided their highest score to WO. IDOA also completed additional scoring of the vendors.
7. On November 21, 2014, IDOA provided Respondent and Brown an Award Recommendation Letter for RFP 15-005, which recommended selecting IEM to begin contract negotiations for disaster management services for IDHS. With both IDOA and IDHS scoring completed, IEM had the overall highest score. IDOA requested that Respondent and Brown review the award recommendation.
8. Respondent took steps to modify IDOA's award recommendation for RFP 15-005. Respondent asked IDOA for an opportunity to discuss the award recommendation internally at IDHS prior to a final decision being made. Respondent recommended to the Director of IDHS, David Kane (Director Kane), that RFP 15-005 be awarded instead to WO. Director Kane concurred with Respondent's recommendation and requested Respondent articulate his reasoning for recommending RFP 15-005 be awarded to WO in a Justification Letter. Brown provided Respondent a Justification Letter, which outlined why RFP 15-005 should be awarded to WO. Respondent then edited the Justification Letter provided to him by Brown. Respondent provided the

Justification Letter to IDOA and later met with IDOA personnel, including IDOA's Deputy Commissioner of Procurement, to further discuss IDOA's award recommendation for RFP 15-005.

9. On January 5, 2015, IDOA provided Respondent and Brown a second Award Recommendation Letter for RFP 15-005, which recommended selecting WO to begin contract negotiations to provide disaster management services for IDHS. The second Award Recommendation Letter provided an award summary, which outlined why IDOA awarded RFP 15-005 to WO. The majority of the award summary included exact phrasing from the Justification Letter provided to IDOA by Respondent.
10. Respondent recommended Director Kane approve IDOA's second award recommendation for RFP 15-005. IDHS subsequently approved IDOA's second award recommendation for RFP 15-005.
11. During the initial drafting of the Contract, Respondent provided approval on a recommendation of what projects and funding should be included in the Contract.
12. After the Contract was executed, Respondent provided requisition approval of funding for the Contract. Respondent denied offers by WO to provide assistance to IDHS for subsequent events in Indiana, including the outbreak of the avian flu and occurrence of tornadoes. Respondent was involved in a decision regarding what services WO could render under the Contract in determining if an outside vendor was needed for a particular matter. Respondent also provided a reference for WO to another state's procurement office, rating WO's services for IDHS as good and stating he would hire WO again.

13. On July 28, 2017, Respondent left state employment. On September 15, 2017,

Respondent accepted employment at WO.

14. Respondent violated Ind. Code § 4-2-6-11(b)(2) by accepting employment with WO

less than 365 days after leaving state employment after Respondent engaged in the negotiation of the Contract with WO and was in a position to make a discretionary decision affecting the outcome of the negotiation of the Contract.

15. Respondent violated Ind. Code § 4-2-6-11(b)(2) by accepting employment with WO

less than 365 days after leaving state employment after Respondent engaged in the administration of the Contract with WO and was in a position to make a discretionary decision affecting the nature of the administration of the Contract.

Wherefore, the Inspector General prays that the Indiana State Ethics Commission set this matter for hearing, find Respondent in violation of the Code of Ethics as stated herein, and impose an appropriate sanction.

Respectfully submitted,

DATED:

4-13-18



Lori A. Torres, Inspector General



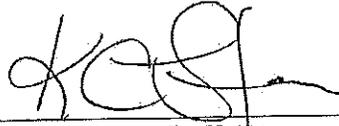
Kelly Haltom, Attorney #31994-49  
Counsel for the Inspector General

Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
Telephone: (317) 233-3767  
Facsimile: (317) 232-0707  
Email: khaltom@ig.in.gov

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Ethics Complaint" has been served upon Respondent by U.S. Mail at the address listed below, on this 13<sup>th</sup> day of April, 2018.

Arvin Copeland  
P.O. Box 1196  
Bonita Springs, FL 34133



Kelly Haltom, Staff Attorney #31994-49