

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
February 8, 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 James Clevenger, Chairperson; Corinne Finnerty; Priscilla Keith; and Katherine Noel. Staff present included Jennifer Cooper, Ethics Director; Matthew Savage, Staff Attorney; Tiffany Mulligan, Chief Legal Counsel; Kelly Haltom, Staff Attorney, and Celeste Croft, Legal Assistant, Office of Inspector General.

Others present were Adrienne Brune, Staff Attorney/Ethics Officer, State Department of Health; Stephanie Mullaney, Deputy Attorney General, Attorney General’s Office; Sarah Kamhi, Assistant General Counsel, Department of Revenue; Gina Williams, Deputy Director of Administration/Ethics Officer, Department of Financial Institutions; Rachel Russell, Deputy General Counsel, Department of Child Services; Tammera Glickman, Assistant General Counsel, Department of Administration; Jared Prentice, Ethics Officer, Department of Revenue; Deana Smith, Attorney, State Department of Health; Whitney Fritz, Attorney, State Department of Health; Jeremy Hawk, Chief Financial Officer, School for the Deaf; Carl Brown, Chief Operations Officer/Ethics Officer, School for the Deaf; Joy Grow, Chief Legal Counsel/Ethics Officer; Jerry Bonnet, General Counsel/Ethics Officer; Beth Green, General Counsel, Department of Workforce Development; Allison Baumhart, Attorney, Department of Child Services; Rachael Ehlich, Senior Counsel, Secretary of State; Melissa Reynolds, Director, Secretary of State; Kenny Jordan, Intern, Secretary of State; Nick McLain, Intern, Legislative Insights; Joan Blackwell, Chief of Staff, Attorney General’s Office; and Mark Hawkins, Program Director, Practice & Compliance, Department of Revenue.

II. Adoption of Agenda and Approval of Minutes

Commissioner Keith moved to adopt the Agenda and Commissioner Noel seconded the motion which passed (4-0). Commissioner Finnerty moved to approve the Minutes of the January 11, 2018 Commission Meeting and Commissioner Keith seconded the motion which passed (4-0).

III. Request for Formal Advisory Opinion

**2018-FAO-004 Rachael Ehlich, Senior Counsel
Jerry Bonnet, General Counsel/Ethics Officer
Office of the Indiana Secretary of State**

Rachael Ehlich serves as Senior Counsel for the Secretary of State’s (SOS) Auto Dealer Services Division (ADSD.) Pursuant to IC 9-32 et seq., the ADSD has licensing and regulatory authority over automobile dealers in the State of Indiana. In her position, as part of an agency team, Ms.

Ehlich is involved with licensing activities and oversees certain enforcement activities involving specific auto dealers. Ms. Ehlich assists her division director with policy and legislative matters, acts as a subject matter expert for legal questions regarding licensing, is responsible for agency rulemaking, and supervises the ADSD's enforcement attorney who is responsible for bringing punitive actions against auto dealers.

Ms. Ehlich is also a volunteer member of the Junior League of Indianapolis (JLI.) JLI is a nonprofit organization whose mission is "promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers." She pays annual dues to be a part of this organization, and she does not receive compensation for her involvement.

Ms. Ehlich has recently been appointed to serve in the organization as a member of the Grants Committee and as a chair-elect of the Sponsorship Committee. The JLI Sponsorship Committee is responsible for seeking new corporate and in-kind sponsors and maintaining existing relationships with sponsors. The Sponsorship Committee works closely with other JLI committees to develop a list of donations that the Sponsorship Committee will seek and acts as a sponsorship clearinghouse to ensure that JLI does not contact a business multiple times. The Sponsorship Committee also does the following: seeks to build mutually beneficial relationships with sponsors; answers sponsors' questions about JLI; maintains agreements and forms for nonprofit organization audit purposes; and applies for grants from public and private foundations. Typically the Sponsorship Committee's leader is responsible for drafting sponsorship agreements and presenting them to JLI's president for approval. JLI's president has final authority regarding sponsorship agreements.

The JLI Sponsorship Committee held a meeting in November 2017; Ms. Ehlich did not attend this meeting. During the meeting it was proposed that a local auto dealership be approached about a sponsorship. Upon learning of this proposal, Ms. Ehlich informed the current Sponsorship Committee co-chairs that, as a state employee, she was prohibited under the Code of Ethics (primarily under 42 IAC 1-5-1, the Gift rule) from soliciting anything of value from businesses licensed and regulated by the SOS.

She provides that the Secretary of State's Office and her supervisor are generally supportive of her volunteer work with JLI. The JLI Sponsorship Committee co-chairs are understanding of her ethical obligations as a state employee, but Ms. Ehlich is seeking further guidance on the application of the ethics rules to her particular situation. She sought a formal advisory opinion to determine if it was permissible under the Code for her to continue to serve as a member of the JLI and as a member of the JLI Sponsorship Committee.

The advisory opinion stated the following analysis:

A. Gifts

The gifts 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 her official capacity.

In order for the gifts rule to apply the "person," defined in IC 4-2-6-1(a)(13), from whom the gift is being accepted or solicited must either have a "business relationship" with the employee's agency or must be seeking to influence an action by the employee in her 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 a license or permit requiring the exercise of an agency's judgment or discretion.

In this case, Ms. Ehlich would be prohibited from accepting or soliciting donations from any person who has a business relationship with SOS or any person who is seeking to influence an action by her in her official capacity even if the donations/sponsorships are going directly to JLI and not to Ms. Ehlich herself. (See FAO [13-I-24](#); FAO [13-I-34](#))

Ms. Ehlich provides that the JLI Sponsorship Committee decided to seek the sponsorship of a car dealership that is regulated by SOS. The Sponsorship Committee took this action during a meeting in which Ms. Ehlich was not present.

The gifts rule applies to Ms. Ehlich, as a state employee, and not the JLI. The JLI, itself and through other members, can solicit and accept donations and sponsorships from car dealerships that have a business relationship with SOS, and Ms. Ehlich would not be in violation of the gifts rule under these circumstances so long as she was not directly involved in the solicitation or acceptance process.

The Commission finds that Ms. Ehlich's services as a member of the JLI and on the Sponsorship Committee would not put her in a position where she would be considered to be soliciting or accepting current, or future, sponsorships from the car dealership as long as she is not directly involved in this process.

In order to ensure she is not directly involved, or perceived to be directly involved, in this process, Ms. Ehlich's name must not appear on any fundraising letters sent to entities who have a business relationship with SOS; and Ms. Ehlich's name must not appear on the JLI website as a chair of the Sponsorship Committee. These steps are consistent with

with the Commissions' determination in FAO [13-I-24](#) that an employee who was involved in fundraising activities for outside organizations was prohibited from using his name on fundraising letters and/or websites of the organizations he is associated with for the purpose of soliciting or accepting donations from any person who had a business relationship with his agency.

B. Outside employment

An outside employment or professional activity opportunity creates a conflict of interests under IC 4-2-6-5.5(a) if it results in the employee: 1) receiving compensation of

substantial value when the responsibilities of the employment are inherently incompatible with the responsibilities of public office or require the employee's recusal from matters so central or critical to the performance of his or her official duties that his or her ability to perform them would be materially impaired; 2) disclosing confidential information that was gained in the course of state employment; or 3) using or attempting to use his or her official position to secure unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals outside state government.

Ms. Ehlich is a volunteer for the JLI, and she is not receiving any compensation for her work with the organization. In addition, Ms. Ehlich's service as a member of JLI or as chair of the Sponsorship Committee would not require her to disclose confidential information she gained through her state employment.

Jerry Bonnet, Chief Counsel and Ethics Officer for SOS, attended the meeting with Ms. Ehlich. Mr. Bonnet advised that the SOS is aware of and supports Ms. Ehlich's activities with the JLI. Mr. Bonnet provided that Ms. Ehlich would be screened from all involvement with the car dealership or any other entity that has a sponsorship agreement with the JLI. Any ADSD matters involving a car dealership that is also a sponsor of the JLI would be assigned to another attorney.

Accordingly, the Commission finds that Ms. Ehlich's service as a member of the JLI and as co-chair of the JLI Sponsorship Committee would not create a conflict of interests for her under this rule. Ms. Ehlich must also ensure that she does not use her official position to secure unwarranted privileges for herself or JLI for the duration of her membership in the JLI.

C. Conflict of interests-decisions and votes

IC 4-2-6-9 (a)(1) prohibits Ms. Ehlich from participating in any decision or vote, or matter relating to that decision or vote, if she has a financial interest in the outcome of the matter. Similarly, IC 4-2-6-9(a)(3) prohibits Ms. Ehlich from participating in any decision or vote, or matter relating to such a decision or vote, if she has knowledge that a business organization with whom she is negotiating employment with or serving as an officer, director, trustee, partner, member, or employee has a financial interest in the matter.

Ms. Ehlich is and wishes to continue serving as a member of the JLI. Accordingly, this rule would be triggered if Ms. Ehlich participates in any matter related to a decision or vote that could financially impact JLI. Specifically, if the JLI is considered a business organization with which she is serving as a member and it has a financial interest in any decisions or votes Ms. Ehlich would make or participate in as Senior Counsel, she could have a potential conflict of interests under this rule.

The Commission finds that Ms. Ehlich's responsibilities as Senior Counsel would not require her to participate in matters in which JLI would have a financial interest at this

time as matters concerning JLI do not come before the SOS. In addition, Mr. Bonnet provided that, as a precautionary measure, Ms. Ehlich would be internally screened from participating in matters, including licensing and enforcement matters, involving any car dealerships who enter into a sponsorship agreement with the JLI in order to avoid any appearance of impropriety.

D. Confidential information

Ms. Ehlich is prohibited under 42 IAC 1-5-10 and 42 IAC 1-5-11 from benefitting from, permitting any other person to benefit from, or divulging information of a confidential nature except as permitted or required by law. Similarly, IC 4-2-6-6 prohibits Ms. Ehlich from accepting any compensation from any employment, transaction, or investment which is entered into or made as a result of material information of a confidential nature. The term “person” is defined in IC 4-2-6-1(a)(13) to encompass both an individual and a corporation. In addition, the definition of “information of a confidential nature” is set forth in IC 4-2-6-1(a)(12).

To the extent Ms. Ehlich is exposed to or has access to such confidential information in her position with SOS, she would be prohibited not only from divulging that information but from ever using it to benefit any person, including JLI, in any manner.

E. Use of state property and Ghost employment

IC 4-2-6-17 prohibits Ms. Ehlich from using state property for any purpose other than for official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation. Likewise, 42 IAC 1-5-13 prohibits Ms. Ehlich from engaging in, or directing others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation.

To the extent that Ms. Ehlich observes these provisions while serving as a member of JLI, such outside professional activity would not violate these ethics laws.

The Commission found that Ms. Ehlich’s membership in the JLI and her service as co-chair of the Sponsorship Committee would not create a conflict of interests for her under the Code of Ethics. Further Ms. Ehlich’s membership in the JLI and her service on the Sponsorship Committee would not violate the Gift rule so long as she refrains from any direct involvement in the solicitation or acceptance of sponsorships from entities that have a business relationship with the SOS.

Commissioner Noel moved to approve the Commission’s findings and Commissioner Keith seconded the motion which passed (4-0).

IV. Request for Formal Advisory Opinion

2018-FAO-005 Joy Grow, Chief Legal Counsel/Ethics Officer Indiana Veterans Home

Joy Grow is the Chief Counsel and Ethics Officer for the Indiana Veterans' Home (IVH). She is requesting a formal advisory opinion on behalf of the IVH regarding the acceptance and use of gifts (primarily monetary donations) by the agency for employee appreciation efforts.

IVH frequently receives donations from individuals and veteran service organizations. Many of these donations are monetary donations of various amounts. In its enabling statute, the Indiana General Assembly granted IVH the authority to accept gifts of real and personal property to "expend as the donor directs". IC 10-17-9-2. In most instances, these donors contribute directly to IVH for items that they believe the State should fund, such as infrastructure and maintenance work or items IVH provides for routine care. In some instances, these donors specify their funds be used to memorialize a loved one.

Donors – whether individuals or veteran service organizations – also sometimes wish to donate funds to IVH to show appreciation for IVH employees and improve morale. For example, donors have requested that donated funds be used for an all-staff employee cookout or dinner or to provide snacks and coffee for quarterly all-staff meetings. The dollar amounts the donors wish to donate can vary; IVH has had requests from donors who have raised as much as \$500. Regardless of the amount or requested use of the funds, the funds do not go to any specific employee, but rather benefit all employees.

Ms. Grow provides that "Employee Appreciation" events are important tools for employee engagement and retention. She also notes that making state employment a competitive and dynamic workplace is a top priority for Governor Holcomb. Ms. Grow points out that in his Executive Order creating parental leave for state employees, Governor Holcomb noted that the "policy would assist in retaining a talented workforce by lowering employee turnover around increasing morale and engagement, and will work to foster a diverse, highly skilled, and professional workforce". Ms. Grow asserts that, particularly in the healthcare field, where high turnover is rampant, it is very important for IVH to find opportunities to show employee appreciation and help improve morale.

However, Ms. Grow is concerned about the funds that are donated for purposes of employee appreciation events and whether acceptance of these funds would be permissible under the Code of Ethics, specifically 42 IAC 1-5-1, the Gift rule. Further, if IVH accepted donations for employee appreciation events, Ms. Grow would like to know if holding such events on IVH grounds during business hours would be permissible under IC 4-2-6-17, which prohibits a state employee from using state materials, funds, property, personnel, facilities, or equipment for purposes other than official state business unless the use is expressly permitted by a general written agency, departmental or institutional policy or regulation that has been approved by the State Ethics Commission.

Ms. Grow cites Formal Advisory Opinion (FAO) [17-I-6](#) as precedent to support a finding that using state resources for employee appreciation purposes would not violate the Code of Ethics if the agency can show that there is a benefit to the agency. In FAO [17-I-6](#) the Commission opined that an agency's use of state funds to pay for professional association membership fees for its employees constitute official state business and would not violate IC 4-2-6-17 (Use of State Property) as long as there is a demonstrated benefit to the agency. In reaching this conclusion the Commission determined that "professional memberships provide many benefits for state agencies...including reduced continuing education fees, professional development of employees, retention of highly skilled professionals, and access to information..."

Ms. Grow asserts that employee appreciation events provide some of these benefits, such as retention of skilled employees, as well as other benefits such as reduced turnover and increased employee satisfaction. According to Ms. Grow, decreasing turnover within her agency would provide a major cost savings to the State as the average cost of turnover from a nurse ranges from \$37,700 to \$58,400 according to a statistic from the 2016 National Healthcare Retention & RN Staffing Report.

Ms. Grow requested that the Commission determine whether the IVH can accept donations for employee appreciation purposes and whether the IVH can use state property for employee appreciation events.

The advisory opinion stated the following analysis:

A. Gifts

The gifts 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 her 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 the agency; ii) a license or permit requiring the exercise of an agency's judgment or discretion or the relationship with a registered or unregistered lobbyist.

Accordingly, an individual IVH employee would be prohibited from accepting or soliciting donations from any person who has a business relationship with IVH or any person who is seeking to influence an action by the employee in the employee's official capacity, regardless of the purpose for the donation.

However, this rule would not prohibit an IVH employee from accepting donations from any person who does not have a business relationship with IVH and who is not seeking to influence an official state action by the employee.

Further, it would be permissible for IVH, as an agency, to accept donations made to IVH for purposes of employee appreciation from donors who do not have a business relationship with IVH and are not seeking to influence the decision making and policy of the IVH.

In addition, the Commission finds that IVH is able to accept donations from donors who have a business relationship with the agency as long as the donations are being made to the IVH and not to any specific employees. This finding is consistent with the Commission's previous findings in Formal Advisory Opinion [13-I-6](#) and Formal Advisory Opinion [13-I-8](#). In these opinions, the Commission found that the gift rule does not restrict the ability of an agency to solicit, accept, or receive gifts for the benefit of the agency as a whole.

3) Use of state property and Ghost employment

IC 4-2-6-17 (42 IAC 1-5-12) prohibits a state officer, employee or special state appointee from using state materials, funds, property, personnel, facilities or equipment for purposes other than official state business unless the use is expressly permitted by a general written agency, departmental or institutional policy or regulation that has been approved by the Commission.

Likewise, 42 IAC 1-5-13 prohibits a state officer, employee or special state appointee from engaging in, or directing others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation.

The IVH would like to use donated funds, designated by the donors for employee appreciation, to hold employee appreciation events on IVH grounds during business hours.

IVH's enabling statute grants IVH the authority to accept gifts of real and personal property to "expend as the donor directs". Accordingly, donations that donors designate as being for employee appreciation should be used in this matter, and such use would be considered official state business.

In FAO [17-I-6](#) the Commission opined that an agency's use of state funds to pay for professional association membership fees for its employees constitute official state business and would not violate IC 4-2-6-17 (Use of State Property) as long as there is a demonstrated benefit to the agency. In reaching this conclusion the Commission determined that "professional memberships provide many benefits for state agencies...including reduced continuing education fees, professional development of employees, retention of highly skilled professionals, and access to information..."

Ms. Grow asserts that employee appreciation events provide some of these same benefits, such as retention of skilled employees, as well as other benefits such as reduced turnover and increased employee satisfaction. According to Ms. Grow, decreasing turnover within her agency would provide a major cost savings to the State.

Ms. Grow advised that any employee appreciation events the IVH would hold would be limited to very short time durations such as an all-staff cookout over the lunch hour. Items such as hot dogs or bratwursts would be purchased using donations, and the food would be cooked and prepared on state-owned equipment by state employees. These events would take place on IVH grounds during business hours.

The Commission finds that IVH employees would not be in violation of the Use of State Property or Ghost Employment rules if they were to participate in employee appreciation events so long as the IVH has an appropriate policy in effect that defines the types of events it would be hosting, how and what state property would be used for the events, and the length of time employees could attend the events.

The Commission found that the IVH may accept donations made to the IVH that donors designate to be used for employee appreciation events, even if the donors have a business relationship with the IVH. Further, the Commission finds that IVH employees may participate in employee appreciation events held on IVH grounds during their working hours so long as the IVH institutes a policy governing such events.

Commissioner Noel moved to approve the Commission's findings, and Commissioner Finnerty seconded the motion which passed (4-0).

V. Request for Formal Advisory Opinion

**2018-FAO-006 Jeremy Hawk, Chief Financial Officer/Budget Director
Carl Brown, Chief Operations Officer/Ethics Officer
Indiana School for the Deaf**

Jeremy Hawk serves as the Budget Director/Chief Financial Officer at the Indiana School for the Deaf (ISD). Mr. Hawk's job duties include creating and managing the budgets as well as supervising the day to day finances of this state agency. Mr. Hawk does not have final purchasing authority for the ISD, but he is involved in strategic sourcing activities and decisions for purchases made on behalf of the State. He does not sign agency contracts, but he is involved in their negotiation, preparation, and execution, and he directly supervises the employee who creates the documents. Mr. Hawk provides that David Geeslin, the Executive Director of the ISD, holds all final purchasing authority and is the final decision maker and signatory on all contracts along with the State Budget Agency (SBA). SBA's Central Accounting Division is the Procurement Agent for ISD and is responsible for verifying compliance with state purchasing guidelines for all ISD purchases and contracts. Additionally, SBA has statutory oversight and signatory authority for all agency requisitions for purchase orders and contracts.

Mr. Hawk is considering seeking election to and holding office as a County Council Member in Hamilton County. County Council Members are paid approximately \$30,000 per year. The Council meets monthly for formal meetings. These meetings occur outside of Mr. Hawk's normal business hours, and he would attend the meetings on his own personal time. A County

Council Member is elected to the position, and Mr. Hawk will have to run a campaign and collect and spend money for this purpose.

Mr. Hawk provides that the Council holds the financial power of the county and serves as a check on the Board of County Commissioners. The Council is tasked with the following duties: adopt annual budgets; fix salaries; fix the county tax rate; furnish financial assistance to any community center for the mentally handicapped located in the county; incur county indebtedness; levy taxes to provide funds for constructing; make appropriations, re-appropriations and fund transfers; and repair and remodel jails.

Mr. Hawk requested a Formal Advisory Opinion from the Commission for a determination as to whether, under the Code, he can hold his current state position and run for the County Council position in Hamilton County.

The advisory opinion stated the following analysis:

Mr. Hawk's request for a formal advisory opinion invokes consideration of the provisions of the Code pertaining to Political Activity, Conflicts of Interests, Use of State Property, Ghost Employment, and Benefitting from and Divulging Confidential Information. The application of each provision to Mr. Hawk is analyzed below.

The Commission does not have jurisdiction to interpret or address concerns regarding the dual office holding prohibition in the Indiana State Constitution or the federal Hatch Act. Mr. Hawk notes that he has already reviewed the Hatch Act. However, he should also consult the Indiana Office of the Attorney General's [Dual Office Holding Guide](#) and their recent [opinion](#) regarding state employees holding political office.

A. Political Activity

The political activity rule prohibits Mr. Hawk from engaging in political activity, including the solicitation of political contributions from anyone, when he is on duty or while acting in an official capacity for the State. This rule also prohibits Mr. Hawk from soliciting political contributions at any time, whether on duty or not, from persons with whom ISD has a business relationship or from state employees or special state appointees he directly supervises. Because Mr. Hawk would be seeking political contributions for his own campaign as a candidate, he is permitted to seek political contributions from anyone other than his direct reports and those with a business relationship with ISD when he is not on duty or acting in his official capacity. Because he appears to have some purchasing and procurement authority (although he does not have final purchasing authority or signatory authority on contracts for the agency), Mr. Hawk would be prohibited from seeking political contributions on behalf of any other candidate.

The Commission finds that as long as Mr. Hawk adheres to the above restrictions, his political campaign and subsequent service as a Hamilton County Council Member would not violate the political activity rule.

B. Outside Employment/Professional Activity

IC 4-2-6-5.5 prohibits Mr. Hawk from 1) accepting other employment involving compensation of substantial value if those responsibilities are inherently incompatible with his responsibilities in his state employment or would require his recusal from matters so central or critical to the performance of his duties with the State that his ability to perform them would be materially impaired; 2) accepting employment or engaging in business or professional activity that would require him to disclose confidential information that was gained in the course of his employment with the State; and 3) using or attempting to use his position with the State to secure unwarranted privileges or exemptions that are of substantial value and not properly available to similarly situated individuals outside state government.

Based on the information provided by Mr. Hawk and the ISD Ethics Officer, Carl Brown, the Commission finds that Mr. Hawk's activities as a candidate for and/or service as a County Council Member would not create a conflict of interests for him under IC 4-2-6-5.5. Specifically, Mr. Hawk's responsibilities as a County Council Member would not be inherently incompatible with his ISD responsibilities nor would they require his recusal from matters that are central or critical to the performance of his state duties.

As CFO for the ISD, Mr. Hawk oversees the ISD's business office. His work for the county would primarily involve approving appropriations. Mr. Hawk does not anticipate that he would have to participate in any financial transactions between the county and the ISD. To the best of his knowledge, there have never been any such transactions, and he does not foresee any future transactions between the two entities. Further, Mr. Brown will be ensuring that Mr. Hawk will be taking all necessary precautions to ensure the two roles remain separate.

In addition, Mr. Hawk's service as a Hamilton County Council Member would not require him to disclose confidential information he gained through his state employment. Mr. Hawk must also ensure that he does not use his official position, during his campaign or during his service in this public office, to secure unwarranted privileges or exemptions that are of substantial value and not properly available to similarly situated individuals outside state government.

C. Conflicts of Interests

IC 4-2-6-9(a) prohibits a state employee from participating in any decision or vote, or matter relating to that decision or vote, if he has knowledge that various persons may have a "financial interest" in the outcome of the matter, including himself or a business organization in which he is serving as an officer, a director, a member, a trustee, a partner, or an employee. The term financial interest, as defined in IC 4-2-6-1(a)(11), includes an interest involving property or services. However, the term does not include

an interest that is not greater than the interest of the general public or any state officer or any state employee.

Based on the information provided, the Commission finds that Mr. Hawk would not be required to participate in decisions or votes, or related matters, as the ISD CFO in which he or Hamilton County would have a financial interest in the outcome. So long as no such decisions or votes, or matters related to such decisions or votes, come before Mr. Hawk in his position at the ISD, he would not be in violation of this rule. In the event he would otherwise participate in any such matters during the course of his state employment, he should follow the procedure set forth in IC 4-2-6-9 (b) to disclose the conflict.

D. Use of State Property

The use of state property rule prohibits a state employee from using state property for purposes other than official state business absent a written policy allowing for such use that has been approved by the Commission. Mr. Hawk understands that he cannot use state property for any political purpose. To the extent that Mr. Hawk refrains from using state property for duties related to his candidacy for or service as a Hamilton County Council Member, he would not be in violation of this rule.

E. Ghost Employment

The ghost employment rule prohibits a state employee from engaging in or directing others to engage in work other than the performance of official duties during working hours absent a written policy allowing it. In this case, Mr. Hawk indicates that the monthly Council meetings would be held after business hours and that he would attend these meetings on his own personal time. He must ensure that he refrains from working on any campaign or Council-related matters during his state working hours and when he is on duty as the ISD CFO.

To the extent that Mr. Hawk refrains from engaging in or directing others to engage in work other than official state duties during his working hours, he would not be in violation of this rule.

F. Confidential Information

42 IAC 1-5-10 and 42 IAC 1-5-11 prohibit a state employee from benefitting from or divulging confidential information.

To the extent that Mr. Hawk complies with these restrictions, he would not be in violation of these rules.

The Commission found that Mr. Hawk's intended candidacy and prospective service as a County Council Member would not create a conflict of interests under the Code of Ethics.

Commissioner Keith moved to approve the Commission's findings and Commissioner Noel seconded the motion which passed (4-0).

VI. Director's Report

Ethics Director, Jennifer Cooper, stated that the annual financial disclosure statement filing period took place during the month of January, 2018 and that the deadline for filing same expired on February 1, 2018. Ms. Cooper further stated that about 750 financial disclosure statements had already been processed, while about another 1,200 remained.

Ms. Cooper also stated that the number of informal advisory opinions issued since the last meeting of January 11, 2018 was 29 and that those opinions were related to outside employment, conflicts of interest, and political activity.

Lastly, Ms. Cooper announced that Former Indiana Secretary of State, Sue Anne Gilroy, was recently appointed to serve as the fifth Commission Member and that she would be serving out the remainder of Former Commissioner Peter Nugent's term.

VII. Adjournment

Commissioner Noel moved to adjourn the public meeting of the State Ethics Commission and Commissioner Keith seconded the motion, which passed (4-0).

The public meeting adjourned at 10:35 a.m.