

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
August 8, 2019**

I. Call to Order

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:01 a.m. Commission members present included Katherine Noel, Chairperson; Sue Anne Gilroy; Corinne Finnerty; and Kenneth Todd. Staff present included Jennifer Cooper, Ethics Director; Lori Torres, Inspector General; Kelly Elliott, Staff Attorney; Heidi Adair, Staff Attorney; Tiffany Mulligan, Chief Legal Counsel; Cynthia Scruggs, Director of Administration, Office of Inspector General; and Nathan Baker, Legal Assistant, Office of Inspector General.

Others present were Mattheus Mitchel, Compliance and Ethics Specialist, Department of Revenue; Ryan Locke, Deputy Treasurer of State, Office of Treasurer of State; Troy Montigney, Executive Director, Indiana Education Savings Authority/Office of Treasurer of State; Sarah Kamhi, Assistant General Counsel and Director, Department of Revenue; Aaron Hunter, Healthy Indiana Plan Analyst, Family and Social Services Administration; James French, Attorney and Ethics Officer, Indiana Department of Environmental Management; Beth Green, General Counsel, Department of Workforce Development; Sylvia Watson, General Counsel, Indiana State Library; Laura Turner, Deputy General Counsel, Indiana Criminal Justice Institute; William Anthony, Deputy Attorney General, Office of Attorney General; Deana Smith, Attorney and Ethics Officer, Indiana State Department of Health; Chris Kulik, Staff Attorney, Indiana State Department of Health; Latosha M. Higgins, Managing Attorney and Ethics Officer, Family and Social Services Administration; and, Tammera Glickman, Deputy General Counsel, Indiana Department of Administration.

II. Adoption of Amended Agenda and Approval of Minutes

Commissioner Finnerty moved to adopt the amended Agenda reflecting the withdrawn Formal Advisory Request 2019-FO-0013 and Commissioner Gilroy seconded the motion which passed (4-0). Commissioner Gilroy moved to approve the Minutes of the July 11, 2019 Commission Meeting and Commissioner Todd seconded the motion which passed (4-0).

III. Consideration of Office of the Indiana Treasurer of State Waiver of Post-Employment Restrictions for Troy Montigney

Ryan Locke, Office of the Indiana Treasurer of State Deputy Treasurer of State and General Counsel, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Gilroy moved to approve the Waiver, and Commissioner Todd seconded the motion which passed (4-0).

IV. Consideration of Limited Use of State Property Policy for Indiana Office of Inspector General

Inspector General Lori Torres presented a Policy on Limited Personal Use of State Property/Resources to the Commission for consideration and adoption. This policy establishes guidelines for limited personal use of state property/resources by state employees and special state appointees of the Office of Inspector General.

Commissioner Gilroy moved to approve the policy, and Commissioner Finnerty seconded the motion which passed (4-0)

V. Request for Formal Advisory Opinion

2019-FAO-0014

Aaron Hunter, Healthy Indiana Plan Analyst

Latosha Higgins, Managing Attorney/Ethics Officer

Family & Social Services Administration

Latosha Higgins is the Ethics Officer for the Indiana Family and Social Services Administration (FSSA). Ms. Higgins is requesting an advisory opinion on behalf of Aaron Hunter, Client Healthy Indiana Plan (HIP) Analyst Operations Manager in FSSA's Office of Medicaid Policy and Planning (OMPP).

Mr. Hunter began working for FSSA in this position in 2018. In this position, he works with Managed Care Entities (MCEs) and is responsible for assisting with customer service efforts; participating in regular customer service team meetings with MCEs; researching and tracking member issues; and responding to inquiries from members, legislators and other officials. Additionally, his duties include routine reporting of cases and issues; identifying critical customer service issues; and bringing them to the HIP team attention for policy and system resolution.

MCE members pay MCEs for health coverage through the State. Mr. Hunter provides trouble shooting by assisting the members in opening up their account with the State. Mr. Hunter is also responsible for relaying information to MCEs and directing the flow of Medicaid/HIP applications to MCEs. The individual applying for state health insurance selects the MCE, and Mr. Hunter directs the application accordingly.

On July 16, 2019, Mr. Hunter notified Ms. Higgins that he applied and interviewed for a Regulatory Contract Manager position with CareSource, one of the MCEs that contracts with FSSA to coordinate care for members enrolled in Indiana Medicaid programs. CareSource is a nonprofit managed care company based in Dayton, Ohio. The company offers Medicaid managed care plans, Medicare Advantage plans and Marketplace insurance plans in multiple states. Mr. Hunter learned about the position after uploading his resume in June 2019 to various online job

search websites. On July 1, 2019, CareSource contacted him requesting a phone interview on July 3, 2019. CareSource then conducted a second interview with him on July 11, 2019.

Ms. Higgins provides that although Mr. Hunter regularly interacts with CareSource in his current position, he was not part of the team that made the final decision to award a contract to CareSource. Furthermore, Mr. Hunter has not engaged in the negotiation or administration of any contract between the State and CareSource, nor was he in a position to make a discretionary decision affecting the outcome of the negotiation or administration of any contract with CareSource. He does not make any regulatory or licensing decisions.

According to Ms. Higgins, OMPP's Quality & Outcomes section maintains oversight of the MCEs and manages their contracts to ensure compliance. Contract managers under the leadership of the Managed Care Compliance Manager and Quality and Outcomes Section Director are the primary point of contact for the MCEs. CareSource has an assigned contract manager.

Once OMPP was made aware of Mr. Hunter's interest in employment with CareSource, OMPP removed him from working on any issues related to their contract operations. OMPP assigned a different person to handle all correspondence with CareSource.

The potential CareSource position is different from the duties that Mr. Hunter has currently with the OMPP. Mr. Hunter's role as a Regulatory Contract Manager with CareSource would require him to be responsible for ensuring that CareSource fulfills its contract obligations with the State's HIP 2.0 Program. This would include establishing and maintaining a collaborative working relationship with his assigned regulatory agency (FSSA); serving as the primary liaison per contract requirements with FSSA; and providing replies to requested data or reports from regulators.

Additionally, the position would require him to be the primary person accountable for providing interpretation and guidance to CareSource regarding regulatory requirements and government contract administration. The position would also require him to respond to incoming regulatory and legislative inquiries and issues regarding compliance requirements.

Mr. Hunter has confirmed with Ms. Higgins that he knows and understands that Indiana's ethics laws will continue to apply to him as a private sector employee. He understands and agrees not to divulge confidential information of FSSA to anyone. Furthermore, Mr. Hunter understands and agrees to abide by the one-year restriction regarding registering as an executive branch lobbyist.

FSSA is seeking the Commission's opinion regarding the application of any of the rules in the Code of Ethics to Mr. Hunter's post-employment opportunity with CareSource.

The advisory opinion stated the following analysis:

A. Confidential Information

IC 4-2-6-6 prohibits Mr. Hunter from accepting any compensation from any employment, transaction, or investment that was entered into or made as a result of material information of a confidential nature. So long as any compensation Mr. Hunter receives does not result from confidential information, his potential employment with CareSource would not violate IC 4-2-6-6.

B. Conflict of Interests

IC 4-2-6-9(a)(1) prohibits Mr. Hunter from participating in any decision or vote, or matter related to that decision or vote, if he has a financial interest in the outcome of the matter. Similarly, IC 4-2-6-9(a)(4) prohibits him from participating in any decision or vote, or matter related to that decision or vote, in which a person or organization with whom he is negotiating or has an arrangement concerning prospective employment has a financial interest in the outcome of the matter. The definition of financial interest in IC 4-2-6-1(a)(11) includes, “an interest arising from employment or prospective employment for which negotiations have begun.”

In this case, employment negotiations have already begun. Accordingly, Mr. Hunter would be prohibited from participating in any decision or vote, or matter related to a decision or vote, in which he, by virtue of his employment negotiations with CareSource, would have a financial interest in the outcome of the matter.

Ms. Higgins provides that once Mr. Hunter informed her that he had applied and interviewed for the Regulatory Contract Manager position with CareSource, OMPP removed him from working on any issues related to their contract operations. OMPP assigned a different person to handle all correspondence with CareSource.

Based on the information provided, it appears that a potential conflict of interest was identified. IC 4-2-6-9(b) requires that a state employee who identifies a potential conflict of interests notify his agency’s appointing authority and ethics officer and either (1) seek a formal advisory opinion from the Commission; or (2) file a written disclosure form with the OIG.

Ms. Higgins provides that Mr. Hunter notified her of the potential opportunity with CareSource on July 15, 2019, and FSSA took steps to screen him from matters in which CareSource would have a financial interest in the outcome of any decisions or votes he would make as part of his responsibilities as a Client HIP Analyst, including providing troubleshooting and directing the flow of Medicaid/HIP applications. Ms. Higgins then requested this formal advisory opinion on Mr. Hunter’s behalf.

The Commission finds that Mr. Hunter, with Ms Higgins assistance, has complied with the disclosure requirements under IC 4-2-6-9, including the request for a formal advisory opinion. Mr. Hunter must ensure he continues to refrain from participating in any decisions or votes, or matters relating to any such decisions or votes, in which he or CareSource has a financial interest in the outcome of the matter for the remainder of his state employment.

C. Post-Employment

IC 4-2-6-11 consists of two separate limitations: a “cooling off” period and a “particular matter” restriction. The first prohibition, commonly referred to as the cooling off or revolving door period, prevents Mr. Hunter from accepting employment from an employer for 365 days from the date that he leaves state employment under various circumstances.

First, Mr. Hunter is prohibited from accepting employment as a lobbyist for the entirety of the cooling off period. A lobbyist is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration.

Ms. Higgins provides that Mr. Hunter understands he is prohibited from engaging in any lobbying activities in his prospective employment with CareSource. To the extent that Mr. Hunter does not engage in executive branch lobbying for one year after leaving state employment, the Commissioner finds that his intended employment with CareSource would not violate this provision of the post-employment rule.

Second, Mr. Hunter is prohibited from accepting employment for 365 days from the last day of his state employment from an employer with whom 1) he engaged in the negotiation or administration of a contract on behalf of a state agency and 2) was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of the contract.

According to Ms. Higgins, Mr. Hunter has not engaged in the negotiation or administration of any contract between the State and CareSource, nor was he in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of any contract with CareSource.

The Commission finds that Mr. Hunter did not have any contracting responsibilities in his position at FSSA and would not be subject to the cooling off restriction for his role in interacting with CareSource and the other MCEs as a Client HIP Analysis. Accordingly, he may accept employment with CareSource immediately upon leaving state employment.

Third, Mr. Hunter is prohibited from accepting employment for 365 days from the last day of his state employment from an employer for whom he made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary.

Ms. Higgins provides that Mr. Hunter does not make any regulatory or licensing decisions in his position with FSSA. The Commission finds that Mr. Hunter has never made any regulatory or licensing decisions that applied to CareSource as a state employee, and he is not prohibited under this provision from accepting employment with CareSource immediately upon leaving state employment.

Fourth, Mr. Hunter is prohibited from accepting employment from an employer if the circumstances surrounding the hire suggest the employer’s purpose is to influence him in his official capacity as a state employee. The information presented to the Commission does not

suggest that CareSource has extended an offer of employment to Mr. Hunter in an attempt to influence him in his capacity as a state employee. Accordingly, the Commission finds that this restriction would not apply to his intended employment opportunity with CareSource.

Finally, Mr. Hunter is subject to the post-employment rule's "particular matter" prohibition in his prospective post-employment. This restriction prevents him from representing or assisting a person on any of the following twelve matters if he personally and substantially participated in the matter as a state employee: 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.

In this instance, Mr. Hunter would be prohibited from representing or assisting CareSource, as well as any other person, in a particular matter in which he personally and substantially participated as a state employee.

Ms. Higgins provides that Mr. Hunter's prospective job responsibilities with CareSource would be different from the duties that Mr. Hunter has currently with the OMPP. Mr. Hunter's role as a Regulatory Contract Manager with CareSource would require him to be responsible for ensuring that CareSource fulfills its contract obligations with the State's HIP 2.0 Program. This would include establishing and maintaining a collaborative working relationship with his assigned regulatory agency (FSSA); serving as the primary liaison per contract requirements with FSSA; and providing replies to requested data or reports from regulators.

Although he interacted with CareSource and the other MCEs and assisted in troubleshooting matters with them, Mr. Hunter did not have any contract responsibilities as an FSSA employee. It does not appear that he actually worked on CareSource's contract itself. Accordingly, the Commission finds that Mr. Hunter did not personally and substantially participate in CareSource's contract while an FSSA employee, and he would not be prohibited from working on this contract for CareSource, as it appears he would be doing in his prospective position as the Regulatory Contract Manager for CareSource.

The Commission further finds that Mr. Hunter must ensure compliance with the particular matter restrictions and refrain from assisting or representing any person on any other particular matters that he may have been personally and substantially involved in during his state employment.

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

VI. Consideration of Rule Adoption

Title 40

Kelly Elliott, Staff Attorney

Tiffany Mulligan, Chief Legal Counsel

Indiana Office of Inspector General

Indiana Office of Inspector General Staff Attorney Kelly Elliott presented an update to the information presented at the July 2019 SEC Meeting to the rule promulgation of Title 40, Article 2 of the Indiana Administrative Code.

Since the July meeting, the State Ethics Commission (SEC), staffed by the Office of Inspector General (OIG), held a public hearing on July 25, 2019, to receive public comments on the proposed rule amendments to 40 IAC 2. No individuals present at the public hearing wished to provide a comment.

The public comment period ended on July 25, 2019. The OIG did not receive any written public comments regarding the proposed rule amendments to 40 IAC 2. Additionally, the Small Business Ombudsman with the Indiana Economic Development Corporation reviewed the proposed rule and economic impact analysis for small businesses associated with the rule changes and concluded the proposed rule will impose no additional requirements or costs on small businesses.

On June 26, 2019, the Legislative Services Agency (LSA) provided the OIG with suggested changes to the proposed rule. The OIG made changes to the proposed rule published in the Indiana Register based on the suggestions. The changes made to the proposed rule are as follows:

1. Remove the term “either” from 40 IAC 2-2-2(c);
2. Add a definition for “commission” to 40 IAC 2-3-1.5 to clarify the rule applies to the SEC and remove the term “state ethics” from 40 IAC 2-3-1 and 40 IAC 2-4.5-1; and
3. Reword 40 IAC 2-3-4.1(e)(3) to change the placement of the term “if known.”

Attorney Elliott, on behalf of the OIG, respectfully requested that the SEC adopt proposed rule 40 IAC 2.

Commissioner Noel moved to approve the rule, and Commissioner Gilroy seconded the motion which passed (4-0).

VII. Director’s Report

State Ethics Director, Jen Cooper, stated that since the last Commission meeting, the Office of Inspector General had issued 28 informal advisory opinions on the subjects of post-employment restrictions, conflicts of interests, outside employment, the use of state property, and gifts.

Ms. Cooper also stated that the public hearing in the Arvin Copeland matter had been continued from September 13, 2018 to December 13, 2018 in order to allow the parties’ additional time to reach a settlement in lieu of having a hearing.

VIII. Adjournment

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

The public meeting adjourned at 10:23 a.m.



INDIANA COMMISSION *for*
HIGHER EDUCATION

IC 4-2-6-11
Post-employment waiver

As the Appointing Authority of the Indiana Commission for Higher Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Alecia Nafziger in his post-employment with Indiana University.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):
- Higher education performance funding formula
 - The Commissioner for Higher Education (CHE) budget recommendations
 - Higher education capital project review process



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B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Ms. Nafziger's job duties involve decision-making authority over policies and contracts. After Commissioner Teresa Lubbers, she is the second signatory authority for the agency responsible for signing contracts, data share agreements, payroll, etc. She develops the CHE budget recommendations for institutions, which includes higher education performance funding formula, and oversees the capital review process for CHE, which is outlined in statute. In addition to these duties, she oversees the following departments: financial aid, IT, and finance.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Ms. Nafziger's prospective employer is Indiana University (IU), and her title would be Director of State Relations and Policy Analysis. In this position, she would be working with legislators, CHE staff, higher education institutions and organizations along with other stakeholders to further higher education policy on behalf of IU.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Ms. Nafziger's role with the prospective employer would involve interaction with CHE. The Commission is a coordinating board, and under IC 21-18-6-1, part of the Commission's purpose is specifically to "plan for and coordinate Indiana's state supported system of postsecondary education." Since IU is part of the "state supported system of postsecondary education," the University interacts with the Commission on a regular basis regarding various matters.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Ms. Nafziger's prospective employment is beneficial to both the state and the public. As mentioned, the purpose of the Commission is coordinate post-secondary education across the State of Indiana. A well-coordinated system means that the Commission is engaged with all entities and organizations statewide, and even nationally, that involve higher education. Having a system in which all stakeholders are working together towards the same goals and objectives improves the experience that Hoosier students receive when entering the post-secondary sphere. Coordination



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of programs, systems and outcomes benefits the student as well as the state. At IU, Ms. Nafziger will be able to understand both the Commission perspective and the IU-specific perspective and more easily communicate between the two entities. This type of communication is how a well-coordinated system is achieved and maintained.

Additionally, Indiana Code 21-18-6-4 specifically states that “the commission has no powers or authority relating to the management, operation, or financing of a state educational institution (i.e. IU) except as expressly set forth by law. All management, operations, and financing of state educational institutions remain exclusively vested in the board of trustees or other governing boards or bodies of the state educational institutions.” This statement further reinforces the fact that the Commission is a coordinating agency that works with the institutions in good faith to promote successful post-secondary education in Indiana.

Thus, it is in the best interest of the state and the public to have knowledge from various viewpoints working for both the Commission as well as the institutions because they have a common goal of providing the best post-secondary education system possible.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Denying this waiver would provide an economic hardship for Ms. Nafziger as she would not have the opportunity to further his career and her passion of working in post-secondary education. She has developed a strong skillset and understands Indiana’s post-secondary system very well. Institutions and other higher education stakeholders provide more opportunities to grow in higher education than are available at the Commission.



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C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Teresa Lubbers

8-29-19
DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Josh Garrison

8-29-19
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
_____ Katherine Noël, Chair, State Ethics Commission	_____ Date



INDIANA COMMISSION *for*
HIGHER EDUCATION

Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to:
info@ig.in.gov

Upon receipt you will be contacted



INDIANA COMMISSION *for*
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August 29, 2019

Ms. Katherine Noel, Chair
Indiana State Ethics Commission
315 W Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Post-Employment Waiver for CHE Employee Alecia Nafziger

Dear Ms. Noel,

As the Commissioner of the Indiana Commission for Higher Education (CHE), I have approved and executed a waiver of the "cooling off" period regarding contracts (IC 4-2-6-11(b)(2)) and the particular matter restriction (IC 4-2-6-11(c)) for Alecia Nafziger. Unfortunately, CHE is holding our August Commission meeting on the same date as the State Ethics Commission meeting, September 12, 2019. I, along with CHE's ethics officer, Josh Garrison, must be in attendance of the CHE meeting which is being held in Jasper, Indiana.

Although Mr. Garrison will be in Jasper, I have asked him to call into the September State Ethics Commission meeting to present the waiver. Mr. Garrison and I have discussed my reasons for granting Ms. Nafziger's waiver, and he will be prepared to answer all questions from the State Ethics Commission members concerning the form and substance of the waiver.

Thank you for allowing Mr. Garrison to serve as my representative at the Commission's September 12, 2019 meeting.

Sincerely,

Teresa Lubbers
Commissioner
Indiana Commission for Higher Education

cc: Alecia Nafziger, Associate Commissioner and CFO
Josh Garrison, Associate Commissioner for Legislation and Program Implementation



IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana State Fair Commission (the "ISFC"), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Kristen Wolfred ("Wolfred") in her post-employment with Ungerboeck Software International.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of (Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):
- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
 - IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
 - IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
 - IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Wolfred currently serves as the ISFC's contract manager for the contract with Ungerboeck Software International ("software company"), which the ISFC utilizes to generate and track contracts, manage events, and manage the ISFC's financials. Wolfred was not involved in the original contract solicitation or selection process where the ISFC selected to utilize software company's services. As such, Wolfred was not the original contract manager, but due to a change in work roles in 2015, the employee was assigned to oversee this contract. As the current contract manager, Wolfred has attended training to learn how to set up the software for the ISFC, train ISFC employees to use the software, and try to solve issues internally with the software when/if issues arise.

In 2018, while Wolfred was the contract manager of the then expiring contract, Wolfred worked with the ISFC's VP of Administration to establish a new contract with the software company to continue services. It should be noted that the software company has been under contract with the ISFC since 2006 and is the primary software used to operate ISFC business.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Wolfred would serve as a consultant for the software company's exiting customers and new customers with implementing software. Wolfred would not be involved in any sales or contracting, simply support and consulting in the software for the business(s) utilizing it. Wolfred would be involved in strategic planning for the potential implementation of newer software features as they come to fruition. Wolfred would not perform any job functions for the software company directly relating to the ISFC's account.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Wolfred would not be consulting with the ISFC or servicing the ISFC account in her role with the prospective employment with the software company. There will be no substantial contact and no pecuniary business contact between the ISFC and Wolfred's position with the software company. The ISFC's account with the software company will continue to be assigned to a different individual for account services and support services.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Wolfred's prospective employment with the software company would not provide a benefit or detriment to the state or the public.

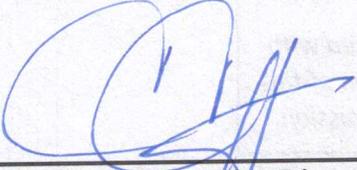
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Wolfred would experience economic hardship to have to wait 365 days after leaving State employment to take this job. Other than this job, Wolfred has no other job prospects and would be unemployed.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Cynthia C. Hoye, Executive Director

8/19/19

DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Will Forrest
Will Forrest, Ethics Officer

8/19/19
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
<hr/> Katherine Noel, Chair, State Ethics Commission	<hr/> Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.



Indiana State Department of Agriculture

Governor Eric Holcomb

Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development

Bruce Kettler, Director

POST-EMPLOYMENT WAIVER

September 3, 2019

As the Appointing Authority of the Indiana State Department of Agriculture, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Connie M. Neininger in his/her post-employment as an economic development consultant with local and/or regional economic development organizations and as an outreach coordinator for Purdue Center for Regional Development.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*



Indiana State Department of Agriculture

Governor Eric Holcomb

Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development

Bruce Kettler, Director

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Neininger advises the Indiana Economic Development Corporation (IEDC), regional economic development directors, and local economic development directors on the benefits of agriculture as an economic driver for Indiana, especially in rural communities. She assists agribusinesses in growth and expansion opportunities and works to attract new agribusiness to Indiana. She also assists in identifying sources of raw material for value-added processing and to further develop the value-added supply chain in all sections. Neininger does not have any regulatory or licensing responsibilities for ISDA, and does not have any decision-making authority on policy, rules, contracts, budgets, or incentives for economic development projects.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

As an outreach coordinator with Purdue Center for Regional Development (PCRD), Neininger will advise communities in community and economic development and facilitate the ongoing development of economic development strategies utilizing the Rural Economic Development Model. PCRD will contract with Neininger as an outreach coordinator to promote the Rural Economic Development Model, which is a program designed to help rural communities identify the agricultural assets in a region that can be utilized in value-added processing. She will guide a community through the data analysis and identification of key sectors, which will be utilized to develop an agricultural economic development strategy specific to the region. PCRD is the agency that provides the in-depth data analysis and the Indiana Economic Development Association (IEDA) is the fiscal agent and coordinator of the program.

As a private economic development consultant, Neininger will work in an advisory role for cities, counties and regions to assist the communities in identifying key areas to target based on the assets of the region, developing economic development strategies, communicating a region's strategies to internal and external organizations, advising the communities on capacity building opportunities with infrastructure, permitting and planning to facilitate the growth of existing businesses, and the attraction of new business to the area. Depending on the analysis of a region's assets, all sectors may be targeted, including hardwoods and dairy.



Indiana State Department of Agriculture

Governor Eric Holcomb

Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development

Bruce Kettler, Director

The key objective is to advise the communities on all of their options and provide them the tools to help them make informed decisions.

Connie will help in implementing procedures that are universal in her field, not just to ISDA or government Economic Development

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

The Indiana State Department of Agriculture is involved with the Indiana Economic Development Corporation on the attraction of agribusiness to Indiana. Working as an economic development consultant, Neininger will continue to have contact with ISDA to assist in the business retention, expansion and attraction of ag-related businesses, including the growth of international trade and exports. ISDA will not have any oversight or authority over the work that is being done by Neininger.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Neininger working as an economic development consultant with local communities and regional economic development groups will provide a local voice on the importance of agriculture as an economic driver in the state of Indiana, which is greatly needed in many communities. Many rural communities have stated an interest in agriculture as part of their development strategies, and more specific the Rural Economic Development Model, but they are challenged when it comes to the ability to follow-through on the implementation.

With limited capacity within ISDA to move the Rural Economic Development strategies forward for rural communities, Neininger working directly with PCRD as an outreach coordinator will provide greater efficiencies for the state, and particularly ISDA, which will allow state resources to be deployed elsewhere. Having an outreach coordinator for the Rural Economic Development Model will engage local officials more in the outcomes of the process and allow the private sector to step up and take on the costs and responsibilities of building strategies for their rural communities. The involvement of more community leaders and local officials in the overall process, will ensure commitment and sustainability in the process.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:



Indiana State Department of Agriculture
Governor Eric Holcomb
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Bruce Kettler, Director

Connie Neininger has worked in the economic development field for over 13 years, of which seven (7) were prior to coming to the Indiana State Department of Agriculture. The prior years were in local communities as the director of economic development. Community leaders across the state of Indiana and outside of Indiana often come to her for information and guidance on best practices in the industry. Economic and community development is the field in which she most excels and limiting her ability to work in this field would be detrimental to her financial well-being and ability to find meaningful work.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

Bruce R. Kettler signature and name

9/5/19 DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Erin Sheridan signature and name

9/5/19 DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY
Approved by State Ethics Commission



Eric Holcomb, Governor
State of Indiana

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

September 3, 2019

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

RE: Request for Formal Advisory Opinion for Aaron Burgess

Dear Chairperson Noel and members of the Ethics Commission:

The Indiana Family and Social Services Administration (“FSSA”) employee Aaron Burgess requests a Formal Advisory Opinion from the State Ethics Commission addressing potential conflicts of interest and post-employment restrictions for Mr. Burgess. Mr. Burgess respectfully requests to come before the State Ethics Commission at its next meeting on September 12, 2019.

Mr. Burgess began working for FSSA in 2018 as a Data Scientist in the Data & Analytics subdivision of the Division of Healthcare Strategies and Technology. He is responsible for planning, architecture, and development of analytic tools and models that serve agency needs as related to various agency populations and policies. In addition, Mr. Burgess is a member of a larger data science team that now consists of five members including himself. His role on the team is to train and advise team members; review team members’ work; implement best practices and standard operating procedures; serve as a liaison for the team in agency meetings.

The FSSA serves various Hoosier populations in need of social services. The programs and policies related to these populations create significant volumes of data. Mr. Burgess was hired because of his expertise in data science and engineering to assist FSSA with tools and models that utilize said data to improve population health outcomes, increase population access to care, decrease population costs, and any specific need that can be addressed by the skill sets employed within the paradigm of data science and engineering.

Mr. Burgess is interested in pursuing employment with KSM Consulting, LLC, a company that currently has a business relationship with FSSA. Mr. Burgess has not applied for a position at this time; however, he is interested in applying for a posted position titled, Senior Data Scientist.



KSM Consulting is an Indianapolis, IN based consulting firm that provides services to various State of Indiana agencies, including FSSA. KSM currently has two active contracts with FSSA. Although one of these contracts (#36132, set to expire March 31, 2020) does not impact work within the Data & Analytics unit, the second contract (#29998) has utilized Mr. Burgess as a collaborator on the project. This contract is to assist with a technical assistance grant FSSA was awarded from the National Governors Association (NGA), to expand and enhance data governance to derive more value from the Medicaid and health data maintained by the State. That contract is set to expire December 31, 2019. KSM Consulting also provides services to clients in private market and governments not associated with the State of Indiana.

As a collaborator on the KSM Consulting contract, Mr. Burgess interacts with KSM Consulting to provide technical assistance to the project team, review code, and to provide feedback on data solutions. Although Mr. Burgess has served as a collaborator to the project team, he has never been part of the FSSA team that made contract decisions. He does not supervise KSM staff, and has no direct oversight or influence over the KSM Consulting project direction or deliverables. Mr. Burgess has never been involved in the negotiation or administration of any past or current contract between KSM Consulting and FSSA, nor was he in a position to influence those decisions. Mr. Burgess does not make regulatory or licensing decisions in his role. The primary individual responsible for overseeing the day to day activities of the KSM Consulting contract (#29998) is FSSA's Chief Data Officer, Dr. Connor Norwood. The primary individual responsible for overseeing the day to day activities of the other contract (#36132) is FSSA's Chief Information Officer, Mr. Jared Linder.

Regarding the employment position at issue here, the Senior Data Scientist position at KSM Consulting would spend the majority of his time developing and applying machine learning and advanced analytics algorithms to solve complex problems. The position would also collaborate with data architects and software developers to plan and construct the architecture for self-service business intelligence and advance analytic solutions. If hired as a Senior Data Scientist, Mr. Burgess would be primarily responsible for the design, development, and implementation of technical solutions for KSM Consulting clients.

In the event that FSSA contracts with KSM Consulting in any future work, KSM Consulting and Mr. Burgess would ensure that Mr. Burgess' role was limited to developing and advising on the design, development, and deployment of technical solutions that does not include any particular matter subject to restrictions under the Indiana ethics laws.

Mr. Burgess knows and understands that Indiana's ethics laws will continue to apply to him as a private sector employee. He understands and agrees not to divulge confidential information of FSSA during his post-employment endeavors. Furthermore, Mr. Burgess understands and agrees to abide by the one-year restriction regarding registering as an executive branch lobbyist.

We appreciate the Ethics Commission's consideration regarding this matter.



September 3, 2019

Jennifer Cooper
Office of the Inspector General
Indianapolis, IN

RE: Request for an Informal Advisory Opinion regarding Indiana Charter School Board Member

The purpose of this letter is to request an advisory opinion concerning the application of Indiana Code (“IC”) 4-2-6-9, related to economic conflicts of interest, to a member of the Indiana Charter School Board (“ICSB”).

Background

ICSB was established by Public Law 91-2011 for the purpose of authorizing charter schools throughout Indiana. IC 20-24-2.2-1(a). It is composed of the following nine (9) members appointed to four (4) year terms:

- (1) Four (4) members appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.
- (2) One (1) member who has previous experience with or on behalf of charter schools appointed by the state superintendent.
- (3) Four (4) members, who may not be legislators, appointed as follows:
 - a. One (1) member appointed by the president pro tempore of the Senate.
 - b. One (1) member appointed by the minority leader of the Senate.
 - c. One (1) member appointed by the speaker of the House of Representatives.
 - d. One (1) member appointed by the minority leader of the House of Representatives.

IC 20-24-2.2-1(b).

Members appointed to the charter board must collectively possess strong experience and expertise in: 1) public and nonprofit governance; 2) management; 3) finance; 4) public school leadership; 5) higher education; 6) school assessments, curriculum, and instruction; and 7) public education law. IC 20-24-2.1-1(f). A majority of the members appointed to the charter board constitutes a quorum. The affirmative votes of a majority of the members present are required for the charter board to take action. IC 20-24-2.1-1(d).

ICSB’s specific duties include: 1) reviewing proposals to establish a charter school; 2) making decisions on proposals to establish charter schools; 3) monitoring charter schools authorized by the board; and making decisions on the renewal, nonrenewal, and revocation of charters granted by the

charter board. IC 20-24-2.1-2. ICSB typically meets four (4) to five (5) times a year. Specific voting matters include:

- 1) Approval of charter applications;
- 2) Approval of charter activation;
- 3) Renewal of existing charter agreements;
- 4) Approval of charter school closure;
- 5) Approval of material changes to charter agreements; and
- 6) Approval of board policies and procedures.

We respectfully request an advisory opinion concerning the application of IC 4-2-6-9 to ICSB member Leslie Dillon.

Ms. Dillon was appointed to ICSB by Indiana Senate Minority Leader Tim Lanane. She is currently employed by Gary Community School Corporation (“GCSC”) as dean of students at Williams Elementary and is a member of the executive board of the Gary Teachers Union, which is an affiliate of the American Federation of Teachers (“AFT”).

ICSB currently authorizes three (3) operating charter schools located within GCSC, has received numerous applications for charter schools located within GCSC in the past, and anticipates that it will continue to receive applications for charter schools located within GCSC.

Both charter public schools and traditional public schools receive state funding through application of Indiana’s tuition support formula. The funding formula uses two (2) count dates, one in September and one in February to determine a school’s Average Daily Membership (“ADM”), a physical count of students enrolled and attending the school on a particular day. A school’s total tuition support is based on a school’s ADM count multiplied by several grants, including the “basic grant,” comprised of a base amount per student, and the “complexity grant,” which is additional funding based on the school corporation’s percentage of students who qualify for Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, or who received foster care services.

Because school funding is based on a school’s current year ADM count, student mobility from year to year, or between the September and February count dates, directly impacts the amount of funding a school receives, e.g., funding follows the child. As a result, any time a child leaves a traditional public school to attend a public charter school, or vice-versa, the former school corporation or school receives less funding than it would have if the child had remained. This economic reality is often used by opponents of charter schools to argue that charter schools are directly harming the traditional public school system. See Exhibit A.

Would it be a conflict of interest within the meaning of IC 4-2-6-9 for Ms. Dillon to vote on matters, including but not limited to approval, renewal, monitoring, and closure, related to a charter school that is currently located in, or proposing to locate in, GCSC?

If it is determined that a potential conflict of interest exists, ICSB's proposed screening process for Ms. Dillion, and any other ICSB member who is determined to have a conflict of interest, is as follows:

“To address any potential conflicts that may arise with respect to [board member] and [the entity or organization in which the member has financial interest], and to ensure compliance with the conflict of interest laws, the board member shall notify his or her appointing authority of [the relationship leading to the conflict]. ICSB's Ethics Officer has established the following procedures to screen the board member from participating in any decision or vote, or a matter relating to that decision or vote relating to [the entity or organization in which the member has financial interest]:

- 1) ICSB's Ethics Officer shall monitor the board member's involvement in any matter relating to [the entity or organization in which the member has financial interest] to ensure that the screening procedures are followed.
- 2) If any matter related to [the entity or organization in which the member has financial interest] is presented to ICSB for a discussion and vote, the board member will recuse him or herself from the discussion and vote, as well as submit an “Ethics Disclosure Statement” to the OIG.
- 3) The board member will not be permitted access to any confidential information concerning [the entity or organization in which the member has financial interest] without the written approval of ICSB's Ethics Officer.
- 4) ICSB staff will screen the board member from any and all involvement in matters involving [the entity or organization in which the member has financial interest], including refraining from any discussion in the Board member's presence that might be related to matters involving [the entity or organization in which the member has financial interest].
- 5) The fact that the individual is both an ICSB board member and has a financial interest in [the entity or organization in which the member has financial interest] does not serve as an endorsement by ICSB of [the entity or organization in which the member has financial interest], other than that which normally exists between [the entity or organization in which the member has financial interest] and ICSB as a charter school authorizer.
- 6) ICSB's Ethics Officer will provide written notice to the OIG anytime the screening procedures are implemented.”

Sincerely,



James R. Betley
Executive Director
Indiana Charter School Board

Exhibit A

“[State Rep. Vernon Smith, D-Gary], on Friday told the Indiana Distressed Unit Appeals Board, which oversees the emergency manager leading the financially distressed district, that charter and religious schools seem to be putting more effort into recruiting Gary students, and sapping the public schools of desperately needed revenue.” Dan Carden, ‘Gary lawmaker questions marketing effectiveness of city's public schools’, *The Times of Northwest Indiana*, Aug. 3, 2018, https://www.nwitimes.com/news/local/govt-and-politics/gary-lawmaker-questions-marketing-effectiveness-of-city-s-public-schools/article_6b7e5c28-8056-593c-8bf3-723e875e30dd.html.

“Gary school officials blame the proliferation of charter schools for their financial problems that led to a state takeover.” Carole Carlson, ‘Gary teachers migrating to charter school jobs’, *Chicago Post-Tribune*, Aug 14, 2017, http://digitaledition.chicagotribune.com/tribune/article_popover.aspx?guid=dba85581-b3c5-4583-8a33-fd278026bdf4.

“Gary Teachers Union President Joseph Zimmerman warned members that if the district runs out of money [teachers] may not get paid after the end of the year. . . [Teachers Union and School Corporation] officials . . . blame the deficit on the growth of charter schools in Gary, which means a decrease in student enrollment and a drop in the amount of money received from the state.” ABC7, ‘Gary, Ind. schools may not be able to pay teachers in 2013’, *ABC7 Eyewitness News*, Oct 11, 2012, <https://abc7chicago.com/archive/8844120/>.

“Democratic lawmakers, including Melton, have called for a “moratorium” on new charter schools in the past, claiming their expansion draws students and resources away from traditional public schools, hurting enrollment and leading to closures.” Erica Irish, ‘Melton and McCormick launch their bipartisan listening tour with conversations about charters, pay, and diversity’, *Chalkbeat*, July 11, 2019, <https://www.chalkbeat.org/posts/in/2019/07/11/melton-and-mccormick-launch-their-bipartisan-listening-tour-with-conversations-about-charters-pay-and-diversity/>.

AFT Resolution, ‘To Promote the Public Good in Public Charter Schools’, 2018, <https://www.aft.org/resolution/promote-public-good-public-charter-schools>.

AFT Resolution, ‘Reclaiming the Promise of Public Charter Schools through Rigorous Authorizer Reform’, 2017, <https://www.aft.org/resolution/reclaiming-promise-public-charter-schools-through-rigorous-authorizer-reform>.

“In the wake of tax caps, the lack of appropriate investment has been a challenge for public education in Los Angeles for decades. Add to that the unregulated growth of charter schools that siphoned off more funding, and the result was the scarcity that led to the L.A. teachers’ strike.” AFT Press Release, ‘AFT President Randi Weingarten on Los Angeles School Board Charter School Moratorium Vote’, January 30, 2019, <https://www.aft.org/press-release/aft-president-randi-weingarten-los-angeles-school-board-charter-school>.

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

INDIANA STATE ETHICS COMMISSION
CASE NO: 2019-02-0035

INDIANA
STATE ETHICS COMMISSION

AUG 20 2019

FILED

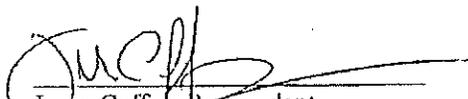
IN RE THE MATTER OF JASON COFFEY,

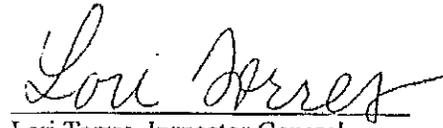
Respondent.

AGREED SETTLEMENT

1. Respondent admits to the facts as alleged in the complaint filed herein by the Inspector General and admits to a violation of 42 IAC 1-5-13, the ethics rule pertaining to ghost employment. (See Ethics Complaint filed on July 17, 2019, attached hereto as Exhibit A.)
2. Respondent agrees to pay a fine in the amount of Four Thousand Dollars (\$4,000.00). The State Ethics Commission (Commission) will not impose any further penalties under Ind. Code § 4-2-6-12. Respondent shall make payment via check to the "Indiana State Ethics Commission." Respondent shall make his first payment of \$250.00 within sixty (60) days from the date the Commission accepts this agreement and shall pay at least \$100 every thirty (30) days thereafter until the \$4,000.00 fine is paid in full.
3. 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 § 4-2-6-4 to contest the complaint.

Dated this 13th of August, 2019.


Jason Coffey, Respondent


Lori Torres, Inspector General


Carol A. Dillon, Attorney for Respondent
Bleeke Dillon Crandall, P.C.


Heidi L. Adair, Staff Attorney
Office of Inspector General

Approved this ____ day of _____, 2019, by the State Ethics Commission in a public meeting by a vote of ____ to ____.

State Ethics Commission Chair

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

INDIANA STATE ETHICS COMMISSION

CASE NO: 2019-02-0035

IN RE THE MATTER OF JASON COFFEY,

INDIANA
STATE ETHICS COMMISSION

Respondent.

JUL 17 2019

ETHICS COMPLAINT

FILED

Comes now Lori A. Torres, Inspector General of the State of Indiana, by counsel, Heidi Adair, and alleges and says that Jason Coffey, Respondent, has violated the Indiana Code of Ethics, as follows:

1. The Indiana Department of Homeland Security (DHS) is an executive branch agency pursuant to Ind. Code § 4-2-7-1(1).
2. Respondent, Jason Coffey, was an employee, as defined by Ind. Code § 4-2-7-1(3) and 40 IAC 2-1-4(h), of DHS at all times referenced herein and thus subject to the jurisdiction of the Office Inspector General (OIG) and the Indiana State Ethics Commission.
3. Respondent was a Fire Safety Training Manager with DHS from July 18, 2016, to February 22, 2019, where he was responsible for the day-to-day management of fire training for each of his designated districts.
4. Respondent worked full-time for DHS; his schedule generally being Monday through Friday, 7:30 a.m. to 4:00 p.m.
5. Beginning in April 2018, Respondent began working 24-hour shifts from 7:00 a.m. to 7:00 a.m. every third day at the Madison Township Fire Department (Madison Township), which overlapped with his DHS work hours.

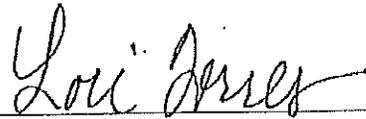


6. Respondent's former DHS supervisors allowed him to work at Madison Township on the condition that Respondent flex his time; they did not permit Respondent to report hours he spent working at Madison Township as state time.
7. An investigation conducted by the OIG revealed a total of 48 days in which Respondent worked at Madison Township while also reporting a full 7.5 hour work day at DHS.
8. The State paid Respondent a total of approximately \$7,271.10 for time reported as official state duty that overlapped with his on-duty hours at Madison Township.
9. On February 22, 2019, Respondent resigned from state employment.
10. Respondent violated 42 IAC 1-5-13 by engaging 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.

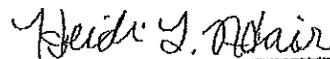
Wherefore, the Inspector General prays that the Indiana State Ethics Commission set this matter for hearing, find Respondent in violation of the Code of Ethics as stated herein, and impose an appropriate sanction.

DATED: 7/17/19

Respectfully submitted,



Lori A. Torres, Inspector General



Heidi L. Adair, Attorney #35082-32
Counsel for the Inspector General

Office of the Inspector General
315 W. Ohio Street, Room 104
Indianapolis, IN 46202
Telephone: (317) 232-3850
Email: Hadair@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 18th day of July,
2019.

Jason Coffey
7717 Clifton Bridge Lane
Camby, IN 46113

Heidi L. Adair
Heidi L. Adair, Staff Attorney #35082-32