

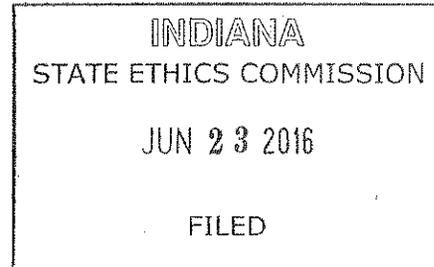


Michael R. Pence, Governor  
State of Indiana

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

June 23, 2016

Mr. James Clevenger, Chair  
Indiana State Ethics Commission  
315 W. Ohio Street, Room 104  
Indianapolis, Indiana 46202



Re: Waiver of Application of 42 IAC 1-5-1 for donation received by FSSA employee

Dear Mr. Clevenger and Commission,

As the Ethics Officer of the Indiana Family & Social Services Administration ("FSSA"), I respectfully waive application of 42 Indiana Administrative Code 1-5-1 as applied to a small financial contribution made by a FSSA contractor to the educational fund of April Smith-Cook's son. The circumstances in this situation are unique and I believe granting of a waiver from the gift rule meets the public interest and poses no conflict of interest issues or other ethical concerns.

Ms. Smith-Cook's husband passed away unexpectedly earlier this year. In his obituary, Ms. Smith-Cook asked for donations to her son's educational fund in lieu of flowers. Ms. Smith-Cook received a check for \$100 to her son's educational fund from an employee of Hewlett Packard ("HP). Please note HP is a contractor of FSSA.

Ms. Smith-Cook is a Quality Analyst for FSSA's Office of Medicaid and Policy Planning ("OMPP"). In her current role, Ms. Smith-Cook does not work or interact with HP. However, prior to 2016, Ms. Smith-Cook worked for the Division of Family Resources ("DFR"), another division within FSSA. While with DFR, Ms. Smith-Cook worked on a project which required her to interact regularly with the HP employee who made the contribution to her son's educational fund. Note, Ms. Smith-Cook did not manage the HP contract or have responsibility over any contracting aspects. Instead, she would spend several days each month with the HP employee, and several other contractors and FSSA staff working very closely on intense customer service outreach efforts. These individuals would spend long hours together in an effort to tackle and overcome any issues to improve service delivery. It was through this professional endeavor that the HP employee became familiar with Ms. Smith-Cook's husband and son.

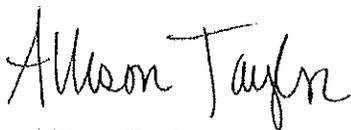


Upon receiving the contribution, Ms. Smith-Cook held the check and promptly alerted her supervisor and sought an ethics opinion from the Office of Inspector General ("OIG"). The Chief Legal Counsel of OIG indicated to Ms. Smith-Cook that she could not accept the check unless the check fell under one of the exceptions in the gift rule or unless a waiver was issued by the agency's appointing authority or ethics officer.

As FSSA's Ethics Officer, I am granting the waiver sought by Ms. Smith-Cook. While HP remains a contractor of FSSA, Ms. Smith-Cook does not currently work with HP or the HP employee. It is clear the HP employee's donation is a gracious and compassionate gesture and is not meant to influence an action by Ms. Smith-Cook in her official capacity with FSSA. Ms. Smith-Cook will not have direct access to the donation – it will be placed directly into her son's educational fund. Due to the considerate nature of this small financial contribution within the context of this unique situation, I am granting a waiver to the gift rule under 42 IAC 1-5-1.

Please feel free to contact me at 317.234.3884 or [Allison.taylor@fssa.in.gov](mailto:Allison.taylor@fssa.in.gov) if you should have any questions or require additional information.

Respectfully,



Allison Taylor  
FSSA General Counsel and Ethics Officer

