

DEC 20 2019

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**ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING**
State Form 55860 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Sontag		Name (first) Scott		Name (middle)	
Name of office or agency Indiana Underground Plant Protection Advisory Committee			Job title Vice Chairman		
Address of office (number and street) 1433 Holey Moley Way			City Greenwood		ZIP code 46142
Office telephone number (317) 839-0520		Office e-mail address (required) ssontag@jdhcontracting.com			

Describe the conflict of interest:
I am a member of the Underground Plant Protection Advisory Committee (Advisory Committee). By statute, I am appointed by the Governor and, therefore, I am considered a "state appointee" for purposes of Ind. code 4-2-6-9. The Advisory Committee recommends penalties for excavation damage cases under Ind. code chapter 8-1-26. Pursuant to a formal advisory opinion of the Indiana State Ethics Commission, my participation in recommending a penalty constitutes a "decision or vote" for purposes of the conflict of interest statute.

The majority of excavation damage cases have an operator and excavator as parties to the case. I work for JDH Contracting, an excavator. Therefore, a conflict of interest would arise if I were to participate in a "decision or vote" in a case in which JDH Contracting is a named party.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Whenever JDH Contracting is a named party to a case, I will abstain from the penalty recommendation pursuant to the Advisory Committee's Bylaws. I will not comment on the case and I will abstain from the discussion and recommendation. My abstention will be recorded on the Case Recommendation Form.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed (month, day, year)

11-19-19

Printed full name of state officer, employee or special state appointee

Scott Sontag

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Date signed (month, day, year)

12/18/2019

Printed full name of ethics officer

Beth E. Heline

Baker, Nathaniel P

From: Heline, Beth E.
Sent: Friday, December 20, 2019 3:26 PM
To: Nossett, James (Michael)
Cc: Jackson, Sharon; Huston, James (IURC); Heater, Ryan J; Poon, DeAnna
Subject: UPPAC Conflict of Interest Disclosures
Attachments: 2019-12-20 Ltr to Gov re UPPAC Disclosure Statements.pdf; Ao No. 16-I-12 IURC (UPPAC).pdf; Ethics Disclosure Statement_B. Walters.pdf; Ethics Disclosure Statement_M. Ritter.pdf; Ethics Disclosure Statement_B Warren.pdf; Ethics Disclosure Statement_L. Selking.pdf; Ethics Disclosure Statement_R. Miller.pdf; Ethics Disclosure Statement_S. Sontag.pdf

Michael,

Please find attached the notice for Governor Holcomb regarding the conflict of interest disclosures for the members of the Indiana Underground Plant Protection Advisory Committee (UPPAC).

As you know, the UPPAC is required under Ind. Code § 4-2-6-9(b)(2)(D) to disclose to its appointing authority, Governor Holcomb, any conflict of interests regarding decisions and voting. Due to the nature of what the members review and the type of members required (i.e. members are statutorily required to be a part of the operator and excavator community and they review cases regarding operators and excavators), there are frequent conflicts. The UPPAC sought an opinion by the State Ethics Commission in 2016 (attached) regarding whether members must submit a disclosure every time there is a conflict, noting that “members would need to file disclosures for about 800 or more cases annually, or an average of more than 50 disclosures for one meeting, if they were required to file a form for every identified potential conflict of interests”. Pg. 6. The State Ethics Commission stated, “[D]ue to the unusually high number of cases in which the members would have the same potential conflict of interests, the Advisory Committee members can file a Conflict of Interest - Decisions and Votes disclosure form with the OIG on an annual basis that details the ongoing potential conflict of interests, due to their employment with companies involved in cases before the Advisory Committee, and the screening mechanism implemented and overseen by the IURC to address the potential conflict of interests.” Pg. 7. This year’s financial interest disclosures for each UPPAC member are attached.

Please let me know if you have any questions or if you need any additional information.

Thank you,
Beth

Beth E. Heline

General Counsel

Indiana Utility Regulatory Commission

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Indianapolis, IN 46204

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STATE of INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-3419

www.in.gov/iurc
Office: (317) 232-2701
Facsimile: (317) 232-6758

Via email

December 20, 2019

The Honorable Eric J. Holcomb
200 West Washington Street
Indianapolis, Indiana 46204
Dear Governor Holcomb:

The Underground Plant Protection Advisory Committee (UPPAC) provides penalty recommendations to the Indiana Utility Regulatory Commission (IURC) regarding findings of violations of the Indiana 811 Law, Indiana Code chapter 8-1-26. UPPAC members are Governor appointees who are required by statute to be representatives of various stakeholders in this process, including utility and excavation companies who are often parties in excavation damages cases. In compliance with Indiana Code § 4-2-6-9, UPPAC members who are employees of a party in a case have abstained from the discussion and voting on penalty recommendations that could involve their employer. On June 9, 2016, the Indiana State Ethics Commission issued a formal advisory opinion (attached) stating that UPPAC members in this situation need to submit a conflict of interest disclosure statement on at least an annual basis, indicating the possible conflict regarding their employer and the screening process in place that requires UPPAC members to abstain from the discussion and vote on any penalty recommendation involving their employer.

In your role as the appointing authority for UPPAC, and in my role as the Ethics Officer for UPPAC, please consider this letter your official notification from UPPAC members Ralph Miller, Mark Ritter, Luke Selking, Scott Sontag, Blaine Walters, and Ben Warren, as required by Indiana Code § 4-2-6-9, of these possible conflicts of interest, with the attached disclosure statements, and the ongoing screening process of abstaining from any discussion or vote regarding penalty recommendations involving their employers.

Please have your staff contact me if you have any questions or if you require any additional information.

Sincerely,

Beth E. Heline, General Counsel
Indiana Utility Regulatory Commission

enclosures (7)

cc: Michael Nossett