

**CAUTION:** The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

**40 IAC 2-1-8, Moonlighting**

A member of the State Board of Tax Commissioners was asked to teach an evening class at one of Indiana University's campuses while on official leave from his position with IU. SEC found there was no conflict of interest in the individual teaching an evening class at IU provided that he disqualified himself on any issue pertaining to IU or its foundation.

No. 12 Conflict of Interest, Moonlighting

**FACT SITUATION**

A newly appointed employee to the State Board of Tax Commissioners has the opportunity to teach an evening class either in Bloomington or at IUPUI while on official leave from Indiana University. He would either be a visiting professor or an adjunct professor. In the position as tax commissioner, any jurisdiction whatsoever over Indiana University would be only tangentially. Further, the employee would not take part in any decisions concerning Indiana University and, even in cases involving other universities, would not take part in the decision so that it would not look as if a university professor was deciding another university's fate. The teaching of the class would be done in the evening, not on state time.

**QUESTION**

Is it permissible for a professor on leave to teach an evening class at a university while serving on the the State Board of Tax Commissioners.

**OPINION**

The members of the State Ethics Commission agreed that there is no conflict of interest for the employee serving as a full-time member of the State Board of Tax Commissioners and at the same time holding a position as an adjunct professor with Indiana University teaching an evening class provided that on any issues pertaining to Indiana University or Indiana University Foundation the employee disqualifies him or herself.

A relevant rule, 40 IAC 2-1-8 Moonlighting, provides, "A state employee must not engage in outside employment or other outside activity not compatible with the full and proper discharge of his public duties and responsibilities. This outside employment or other outside activity must not impair his independence of judgement as to his official responsibilities, pose a likelihood of conflict of interest or require him or persuade him to disclose confidential information acquired by him as a result of his official duties."

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