



INSPECTOR GENERAL REPORT

2005-02-0085

December 15, 2006

PLA COMPENSATION

Inspector General David O. Thomas reports as follows:

This case involves a test proctor who accepted gifts of money and other items in return for giving correct answers to individuals during the manicurist test issued by the Indiana Professional Licensing Agency (PLA).

The respondent was employed as a test proctor by PLA to administer manicurist examinations for the Cosmetology Examiners Board. The respondent's duties as a proctor were to sign-in and monitor individuals during the examination. The respondent received from PLA for her services \$50 a day and per diem expenses.

On various occasions, the respondent accepted payment from individuals who wanted to pass the manicurist exam. On a regular basis the respondent accepted money from a Steve Thuan, who owned a salon and would pay the respondent to give answers to his manicurists, who were often Vietnamese and unable to understand the language. The respondent received \$500 per person from Thuan. The respondent spoke to Office of Inspector General (OIG) investigators and admitted that she had accepted payments from Thuan

approximately once a month for the past year. She also admitted to receiving cash as well as perfume from other individuals who she had assisted on the test. The respondent would assist individuals by reading the questions to individuals who were not fluent in English, pointing to the correct answer and then providing the correct answers to individuals.

The OIG asserts jurisdiction under IC 4-2-7-3(3) where the OIG is charged with receiving complaints of violations of the Indiana Code of Ethics. The OIG is also responsible for addressing fraud, waste, abuse and wrongdoing in the state agencies. IC 4-2-7-2(b).

The Indiana Ethics Rule 40 IAC 1-3-01 in effect at the time prohibited a state employee from accepting gifts from a person who was seeking a business relationship from the agency. Indiana Ethics Rule 40 IAC 1-3-08 also prohibited a state employee from accepting compensation for the performance of her official duties besides that provided for by law.

This matter was referred to the Marion County Prosecutor's Office. An ethics complaint was filed with the Indiana Ethics Commission. On December 7, 2006, the respondent signed an agreed settlement admitting to the facts alleged in the complaint, and on December 14, 2006, this agreement was filed with and approved by the Indiana Ethics Commission, resulting in a fine of \$500 to the respondent.

Dated this 15th day of December, 2006.



David O. Thomas, Inspector General