



## INSPECTOR GENERAL REPORT

2008-06-0165

December 30, 2010

### UNIFORM GOVERNMENT CODE PROPOSAL

*Inspector General David O. Thomas, Director of Finance and Governmental Affairs Dhiann Kinsworthy, State Ethics Director Cynthia Carrasco and Legal Intern Rachel C. Ehlich, report as follows:*

#### *Summary*

*A recommendation to the Indiana Legislature to establish a Summer Study Commission to address the re-codification of Titles 4 and 5 and other authorities regarding the operation of the Executive Branch of Indiana Government.*

#### Introduction

This report addresses a recommendation to the Indiana Legislature regarding Titles 4 and 5 of the Indiana Code and other Indiana authorities.

It is based upon the experiences of the Office of the Inspector General (OIG) in its investigations, advisory opinions, educational efforts, and recommendations since its inception in 2005.

The jurisdiction of the OIG includes the duties to: address “fraud, waste, abuse, and wrongdoing in agencies.”<sup>1</sup> The OIG is also charged to “recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government,”<sup>2</sup> to “provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency,”<sup>3</sup> and to “recommend legislation to the Governor and General Assembly to strengthen public integrity laws.”<sup>4</sup> The OIG is further authorized to “prepare interpretive and educational materials and programs” to effectuate the above.<sup>5</sup>

Based upon the above experiences and authority, the OIG respectfully makes the following findings and recommendation.

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<sup>1</sup> IC 4-2-7-2(b).

<sup>2</sup> IC 4-2-7-3(2).

<sup>3</sup> IC 4-2-7-3(8).

<sup>4</sup> IC 4-2-7-3(9).

<sup>5</sup> IC 4-2-7-3(16).

## Findings

The OIG respectfully makes the following findings in support of its concluding recommendation that a newly codified body of law would benefit state government.

1

Titles 4 and 5 of the Indiana Code address the basic operations of the Executive Branch of Indiana Government. As addressed below, other authorities address these same issues.

2

A complete codification of these duties has not occurred since the passage of the “Financial Reorganization Act of 1947.” *See:* IC 4-13-2.

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Our experience and research reveal statutory provisions with duplications of topics and matters no longer in practice.

As one example, Indiana law currently contains two, conflicting depository rules. The depository rule is a tool of great importance in preventing theft or mismanagement within governmental operations.<sup>6</sup>

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<sup>6</sup> The first of the two depository rules currently in existence was announced in the Indiana Financial Reorganization Act of 1947 which states:

All receipts from any source coming into the possession of any state agency shall be deposited with the state treasurer each day or as soon as practicable after the same is received, unless otherwise provided by law, and at the end of each calendar month each

A second example of duplication involves statutes addressing confidential information. A person who reveals “confidential information,” a term often undefined, is subject to various statutory provisions. *See e.g.*: IC 5-14-3-10, IC 5-28-15-7(b), IC 4-2-7-8(d).

A third example of a statutory provision in need of evaluation is the “Career Bipartisan Personnel System.” *See*: IC 4-15-2.5. This procedure was established in 1971, and condones and mandates the firing of state workers for political reasons to obtain political parity within state agencies. IC 4-15-2.5.

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agency shall file a report of all receipts deposited since the last previous report, which report shall show the disposition thereof. Said report shall be submitted to the director of auditing by the depositing agency. All moneys so received by the treasurer during any month shall be credited by him and by the director of auditing to the proper funds not later than the fifth day of the following month.

IC 4-13-2-21 (1947).

Absent from this rule is (1) a mandatory 24-hour deposit requirement and (2) a criminal penalty for non-compliance found in the subsequent version of the rule.

The second depository rule, also currently in existence, was implemented forty years later in 1987 through Public Law 19-1987. Here, the Legislature created a new rule on this same topic, which states in relevant part:

A [1] public officer or state officer who [2] receives and has control of public funds paid into the treasury of the state or the treasuries of the respective political subdivisions and who [3] later than the business day following the receipt of the public funds fails to deposit the public funds in one or more depositories in the name of the state or political subdivision, commits a violation of the depository rule, a class B felony, and is liable upon the officer’s official bond for any loss or damage that may accrue.

However, state employees from the Department of Natural Resources and Department of Revenue are exempted from this rule if the daily receipt is less than \$100.

IC 5-13-6-1 (rule); IC 5-13-14-3 (penalty classified as class B felony); IC 5-13-4-19 (political subdivision defined); IC 5-13-4-211 (public officer defined); IC 5-13-4-20 (public funds defined); IC 5-13-8-1 and IC 5-13-9.5 (designation of depositories). *See also*: SBOA State and Quasi Manual, Chapter 3.

Unlike the original depository rule in 1947, this 1987 rule (1) mandates the 24-hour deposit requirement and (2) imposes a criminal penalty for non-compliance. A class B felony in Indiana includes potential penalties ranging from 6 to 20 years of imprisonment and a fine not to exceed \$10,000. IC 35-50-2-5. By being classified as a class B felony, this depository rule carries the same penalties as rape in Indiana. IC 35-42-4-1.2.

The OIG recognizes that it is simplistic to merely criticize certain provisions within a large body of law. Instead, the OIG cites these examples as illustrations of the many statutory provisions which might be improved with a re-examination and codification as addressed below.

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At least forty-one (41) individual criminal offenses are embedded within Titles 4 and 5, outside the codified criminal offenses against public administration in IC 35-44. *See attached Exhibits A (felonies) and B (misdemeanors)*. Many of these offenses are rarely charged.<sup>7</sup>

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Many of these criminal offenses omit: (1) corresponding definitions of terms, (2) elements of the criminal offense, or (3) the level of *mens rea*<sup>8</sup> required

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<sup>7</sup> No current system available to the public within Indiana government accurately measures the frequency of the charging of criminal offenses in a comprehensive state-wide system. However, a review of the reported annotated cases in various legal research systems which reveal the litigation of criminal actions in the Indiana appellate courts reveal that these offenses within Titles 4 and 5 are rarely litigated.

<sup>8</sup> Absent from many of these offenses are determinations as to which of the following levels of intent are required for violation:

IC 35-41-2-2

Culpability

Sec. 2. (a) A person engages in conduct "intentionally" if, when he engages in the conduct, it is his conscious objective to do so.

(b) A person engages in conduct "knowingly" if, when he engages in the conduct, he is aware of a high probability that he is doing so.

(c) A person engages in conduct "recklessly" if he engages in the conduct in plain, conscious, and unjustifiable disregard of harm that might result and the disregard involves a substantial deviation from acceptable standards of conduct.

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for proof.

Often these criminal offenses, which subject persons to arrest, use general language such as: “A person who knowingly violates this chapter commits a Class A misdemeanor.” *See e.g.*: IC 4-15-2-42. In this particular criminal offense (IC 4-15-2-42), there are 41 sections within the chapter that subject the worker to the crime. IC 4-15-2-1 through 41.

These circumstances could invade one of the fundamental tenets of Fourteenth Amendment Due Process or the Due Course of Law required in Article 1, Section 12 of the Indiana Constitution. In both constitutional provisions, citizens are to be put on notice as to what specific conduct is in violation of the laws. *See e.g.*: *Grayned v. City of Rockford*, 408 U.S. 104, 108-109, 92 S.Ct. 2294, 2298-2299, 33 L.Ed.2d 222 (1972)(*the void for vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement*).

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It is respectfully submitted that some public offense crimes might benefit from an evaluation and simplification in language.

As one example, the criminal conflict of interest statute, with its several

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(d) Unless the statute defining the offense provides otherwise, if a kind of culpability is required for commission of an offense, it is required with respect to every material element of the prohibited conduct.

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amendments through the years, has grown in complexity to read:

(a) A public servant who knowingly or intentionally:

- (1) has a pecuniary interest in; or
- (2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony.

(b) This section does not prohibit a public servant from receiving compensation for:

- (1) services provided as a public servant; or
- (2) expenses incurred by the public servant as provided by law.

(c) This section does not prohibit a public servant from having a pecuniary interest in or deriving a profit from a contract or purchase connected with the governmental entity served under any of the following conditions:

(1) If the:

(A) public servant is not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity;

(B) functions and duties performed by the public servant for the governmental entity are unrelated to the contract or purchase; and

(C) public servant makes a disclosure under subsection (d)(1) through (d)(6).

(2) If the contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.

(3) If the public servant:

(A) is an elected public servant or a member of the board of trustees of a state supported college or university; and

(B) makes a disclosure under subsection (d)(1) through (d)(6).

(4) If the public servant:

(A) was appointed by an elected public servant or the board of trustees of a state supported college or university; and

(B) makes a disclosure under subsection (d)(1) through (d)(7).

(5) If the public servant:

(A) acts in only an advisory capacity for a state supported college or university; and

(B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.

(6) If the public servant:

(A) is employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent; and

(B) makes a disclosure under subsection (d)(1) through (d)(6).

(7) If the public servant is under the jurisdiction of the state ethics commission as provided in IC 4-2-6-2.5 and obtains from the state ethics commission, following full and truthful disclosure, written approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:

(A) granted to the public servant before action is taken in connection with

the contract or purchase by the governmental entity served; or

(B) sought by the public servant as soon after the contract or purchase as the public servant becomes aware of the facts that give rise to a question of conflict of interest.

(d) A disclosure required by this section must:

(1) be in writing;

(2) describe the contract or purchase to be made by the governmental entity;

(3) describe the pecuniary interest that the public servant has in the contract or purchase;

(4) be affirmed under penalty of perjury;

(5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase;

(6) be filed within fifteen (15) days after final action on the contract or purchase with:

(A) the state board of accounts; and

(B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and

(7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that appointed the public servant.

(e) The state board of accounts shall forward to the state ethics commission a copy of all disclosures filed with the board under IC 16-22-2 through IC 16-22-5, IC 16-23-1, or this section.

(f) The state ethics commission shall maintain an index of all disclosures received by the commission. The index must contain a listing of each public servant, setting forth the disclosures received by the commission made by that public servant.

(g) A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:

(1) the public servant; or

(2) a dependent of the public servant who:

(A) is under the direct or indirect administrative control of the public servant; or

(B) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(h) It is a defense in a prosecution under this section that the public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars (\$250) or less.

(i) Notwithstanding subsection (d), a member of the board of trustees of a state supported college or university, or a person appointed by such a board of trustees, complies with the disclosure requirements of this chapter with respect to the member's or person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the member or person files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase



made with that particular vendor. The statement required by this subsection must be made on an annual basis.

(j) This section does not apply to members of the governing board of a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(k) As used in this section, "dependent" means any of the following:

(1) The spouse of a public servant.

(2) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:

(A) unemancipated; and

(B) less than eighteen (18) years of age.

(3) Any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

*As added by Acts 1978, P.L.144, SEC.7. Amended by Acts 1981, P.L.304, SEC.1; P.L.329-1983, SEC.1; P.L.66-1987, SEC.28; P.L.13-1987, SEC.16; P.L.183-1988, SEC.1; P.L.109-1988, SEC.3; P.L.197-1989, SEC.3; P.L.2-1993, SEC.185; P.L.22-1995, SEC.3; P.L.1-1997, SEC.149.*

IC 35-44-1-3.

In a separate report issued by this office, a possible restructuring of the language in this specific offense was examined. *See Case Number 2010-08-0196, published September 7, 2010, at [www.in.gov/ig/files/2010.08.0196.COILanguage.pdf](http://www.in.gov/ig/files/2010.08.0196.COILanguage.pdf).*

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Indiana rules on the operation of state government are often interspersed in various locations. We summarize these (some of which are helpful codification microcosms) only for illustration purposes to show that multiple sources often need to be reviewed for compliance.

- Indiana Code, Title 4
- Indiana Code, Title 5
- Financial Management Circulars (“Circulars”) by the Indiana State Budget Agency (on-line at: <http://www.in.gov/sba/2512.htm>)
- Accounting and Uniform Compliance Guidelines Manuals (“Manuals”) by the Indiana State Board of Accounts (on-line at: [www.in.gov/sboa/2725.htm](http://www.in.gov/sboa/2725.htm))
- Attorney General and Department of Administration Professional Services Contract Manual (on-line at: [http://www.state.in.us/idoa/files/2008\\_Contract\\_Manual.pdf](http://www.state.in.us/idoa/files/2008_Contract_Manual.pdf))
- Indiana Code of Ethics (42 IAC 1-5)

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- Promulgated Rules of State Procurement (25 IAC 1.1)
- Promulgated Rules of the State Personnel Department (31 IAC 1)

In summary, it would seem beneficial to have a single resource, in codified form for state workers to access when seeking full compliance with the rules pertaining to relevant: criminal, ethical, purchasing, contracting, open records and meetings, and promulgation rules.

It is also our experience that these topics often overlap when addressing a single act by a state worker or contractor, thereby reinforcing the benefit in unifying the rules into a single resource.

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Other states and jurisdictions have addressed these same concerns and launched codifications of operating rules.

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For example, the United States Government through the Federal Acquisition Regulation (FAR) [on-line at: <https://www.acquisition.gov/Far/>] has responded to similar concerns.<sup>9</sup> The FAR codifies the many federal rules which

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<sup>9</sup> The FAR is codified in Title 48 of the United States Code of Federal Regulations. It is issued pursuant to the Office of Federal Procurement Policy Act of 1974 (Pub. L. 93-400 and Title 41 of the United States Code), Chapter 7. Statutory authority to issue and maintain the FAR resides with the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, 41 U.S.C. § 421(c)(1), subject to the approval of the Administrator of Federal Procurement Policy, 41 U.S.C. § 405.

The FAR and its agency supplements are said by the Federal courts to have "the force and effect of law," see *Davies Precision Machining, Inc. v. U.S.*, 35 Fed. Cl. 651 (1995). Nearly all government agencies are required to comply with the FAR. However, some agencies are exempt (e.g., the United States Postal Service, the Tennessee Valley Authority, the Federal

address the process of purchasing within the federal government.

## B

As another example of federal codification, Title 5 of the United States Code codifies and unifies federal agencies in the following manner:

### PART I—THE AGENCIES GENERALLY

#### CHAPTER 1—ORGANIZATION (§§ 101—105)

§ 101. Executive departments

§ 102. Military departments

§ 103. Government corporation

§ 104. Independent establishment

§ 105. Executive agency

#### CHAPTER 3—POWERS (§§ 301—306)

#### CHAPTER 5—ADMINISTRATIVE PROCEDURE (§§ 500—596)

#### CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS (§§ 601—612)

#### CHAPTER 7—JUDICIAL REVIEW (§§ 701—706)

#### CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING (§§ 801—808)

#### CHAPTER 9—EXECUTIVE REORGANIZATION (§§ 901—913)

5 USC 1.

## C

The State of Texas has adopted a “Government Code.” It likewise addresses these topics in a centralized location. *See Exhibit D, attached.*

In summary, we cite these other sovereigns only to illustrate potential models.<sup>10</sup>

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Aviation Administration, and the Bonneville Power Administration); in those cases, the agency promulgates its own specific procurement rules.

The FAR is divided into 53 parts, organized into eight Subchapters designated A through H. Each part is then divided into subparts, sections, and subsections, with further divisions below the subsection level. [Citation from Wikipedia].

See Exhibit C, attached, for topical divisions of the FAR.

<sup>10</sup> Although having interstate application, the following uniform laws (cited at [http://en.wikipedia.org/wiki/List\\_of\\_Uniform\\_Acts\\_\(United\\_States\)](http://en.wikipedia.org/wiki/List_of_Uniform_Acts_(United_States))) reveal a national trend to continually re-codify complicated rules for the benefit of the public:

A re-codified and unified government code may reduce wrongdoing and avoid civil litigation.

We have found in our investigations and advisory functions that clarity in the law often reduces wrongdoing. We have observed that workers who do not have access to simple, practical operating rules, tend to perform in a variety of ways. We further believe that government operates worst when well-intentioned workers find themselves in a trap of violating complex rules they did not understand or knew existed.

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Uniform Residential Landlord and Tenant Act (1972)  
 Uniform Rights of the Terminally Ill Act (1989)  
 Uniform Rules of Criminal Procedure (1974) (1987)  
 Uniform Rules of Evidence Act (2005)  
 Uniform Securities Act (1956) (1985) (amended 1988) (2002)  
 Uniform Simultaneous Death Act (1940) (1993)  
 Uniform State Administrative Procedure Act (1981)  
 Uniform Status of Children of Assisted Conception Act (1988)  
 Uniform Statute and Rule Construction Act (1995)  
 Uniform Statutory Form Power of Attorney Act (1988)  
 Uniform Statutory Rule Against Perpetuities (1986) (1990)  
 Uniform Supervision of Trustees for Charitable Purposes Act (1954)  
 Uniform Surface Use and Mineral Development Accommodation Act (1990)  
 Uniform Tod Security Registration Act (1989)  
 Uniform Testamentary Additions to Trusts Act (1960) (1991)  
 Uniform Trade Secrets Act (1979) (1985)  
 Uniform Transboundary Pollution Reciprocal Access Act (1982)  
 Uniform Transfer of Litigation Act (1991)  
 Uniform Transfers to Minors Act (1983) (1986)  
 Uniform Transfers Under Nontestamentary Instruments Act (1978)  
 Uniform Trust Code (2000)  
 Uniform Trustees' Powers Act (1964)  
 Uniform Unclaimed Property Act (1995)  
 Uniform Unincorporated Nonprofit Association Act (1992) (1996)  
 Uniform Victims of Crime Act (1992).

In an attempt to address and reduce these concerns, the OIG has developed and published the Uniform Government Code (UGC). *See Exhibit E, attached, and published on-line at: <http://www.in.gov/ig/2332.htm>.*

This is only an initial attempt to codify the many rules above, and we respectfully submit that a legislative codification in a manner it sees fit merits consideration.

Concluding Recommendation

For the above reasons, and stressing that these findings and recommendation are expressed with the recognition that these circumstances inevitably develop over time in any large body of law, we respectfully recommend the consideration of a “Blue Ribbon” or Summer Study Commission to address these issues. The OIG remains committed to provide further participation, research and assistance.

Dated this 30th day of December, 2010.



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David O. Thomas, Inspector General

Exhibit A

FELONY CRIMES IN TITLES 4 &5	STATUTE
knowingly, intentionally, or recklessly discloses a Social Security number	4-1-10-8
knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number from the state agency	4-1-10-9
commissioner of the department of administration or an employee of his department knowingly, falsely certifies any bill on account of the public printing, lithographing, binding, stationery, printing material, or office supplies	4-13-4.1-4 (b)
Contracts for vendor and auditing services	4-30-3-19
Contributions to candidates or committees; state offices	4-30-3-19.5
Contributions to candidates or committees; legislative or local offices	4-30-3-19.7
A person who: (1) knowingly presents a counterfeit or altered lottery ticket; (2) knowingly transfers a counterfeit or altered lottery ticket to another to present for payment; or (3) with intent to defraud, falsely makes, alters, forges, passes, or counterfeits a lottery ticket	4-30-14-3
Disclosure of confidential information relating to the lottery	4-30-14-4
Conducting, aiding, or abetting pari-mutuel wagering without a permit; violation	4-31-13-3
Permit holders or persons with an interest in a permit holder	4-31-13-3.5
Gift by permit holder to induce precinct committee member on local public question	4-31-13-9
An individual, a corporation, a partnership, a limited liability company, or other association that recklessly, knowingly, or intentionally enters into a contract or other agreement with a qualified organization in violation of IC 4-32.2-5-2 commits a Class D felony.	4-32.2-8-4(b)
Riverboat Gambling: Chapter 10. Crimes and Penalties - Class D felonies	4-33-10-2
Licensees or persons who have an interest in a licensee	4-33-10-2.1
Gift by licensee to induce precinct committee member on local public question	4-33-10-2.5
Gambling Games at Racetracks: Chapter 9. Penalties - Class D felonies	4-35-9-5

Exhibit A

Law Enforcement Academy Building Commission - Conflict of interest	5-2-2-11
Violations of 5-11-10-1 <ul style="list-style-type: none"> <li>o (Accounting for Public Funds - Certification of Claims; Forms - Disbursements for claims; certification; liability)</li> </ul>	5-11-10-3
A public officer who knowingly fails to deposit public funds, or knowingly deposits or draws any check or negotiable order of withdrawal against the funds except in the manner prescribed in this article, commits a Class B felony	5-13-14-3
A public official or other person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Class D felony unless:  (1) the commission shall have given its approval in writing that the public records may be destroyed; (2) the commission shall have entered its approval for destruction of the public records on its own minutes; or (3) authority for destruction of the records is granted by an approved retention schedule established under this chapter	5-15-6-8
A person making any such bid, offer, proposal, estimate or contract to sell or lease, who knowingly violates this chapter commits a Class D felony	5-17-1-5
Purchases and Leases of Personal Property by State Agencies	5-17-1-6

Exhibit B

MISDEMEANOR CRIMES IN TITLES 4 & 5	STATUTE
Retaliation against employee, former employee, special state appointee or former special state appointee for filing complaint or furnishing information or testimony	4-2-6-13
<p>(1) Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a commission proceeding or investigation conducted by the inspector general to do any of the following:</p> <ul style="list-style-type: none"> <li>(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.</li> <li>(B) Avoid legal process summoning the person to testify or supply evidence.</li> <li>(C) Fail to appear at a proceeding or investigation to which the person has been summoned.</li> <li>(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.</li> </ul> <p>(2) Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a commission proceeding or investigation conducted by the inspector general.</p> <p>(3) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.</p>	4-2-6-14
<p>(d) Except as provided in subsection (e), a person who knowingly or intentionally discloses:</p> <ul style="list-style-type: none"> <li>(1) confidential information or records; or</li> <li>(2) the identity of a person whose identity is confidential under subsection (a)</li> </ul>	4-2-7-8(d)
<p>A person who recklessly uses equipment:</p> <ul style="list-style-type: none"> <li>(1) to ascertain the moisture and the foreign material and dockage content of grain in the process of commercial buying or selling of grain; and</li> <li>(2) that does not bear the seal required by <a href="#">section 2</a> of this chapter</li> </ul>	4-4-27-8
<p>Collection of costs, licenses, monies, fines, penalties or forfeitures; escheats; reports of officers of money due state</p> <p>(b) The officers having the custody of the money shall report to the attorney general, upon oath or affirmation, all facts pertaining to it, upon the attorney</p>	4-6-2-6



## Exhibit B

general's demand, in person, by deputy or assistants, or in writing.	
A trustee who violates <a href="#">section 1</a> of this chapter commits a Class C infraction and forfeits his office.	4-10-14-2
An officer who recklessly lends to any person a greater amount of funds than he is authorized by law to lend commits a Class B misdemeanor.	4-11-1-6
DOC Ombudsman violations	4-13-1.2-11
Dept. of Child Services Ombudsman violations	4-13-19-11
Qualification for State Public Works Projects - Violations; reports of convictions; disqualification of convicted persons	4-13.6-4-14
A person who knowingly violates <a href="#">section 10</a> or <a href="#">section 12</a> of this chapter commits a Class C misdemeanor	
State Merit Employment - Violations; offense; ineligibility	4-15-2-42
Protection of employees reporting violations of state or federal laws, etc.	4-15-10-4
An individual who: (1) is serving alone or with others as an administrative law judge or as a person presiding in a proceeding under <a href="#">sections 28</a> through 31 of this chapter; and (2) knowingly or intentionally violates <a href="#">section 11</a> , 12, or 13 of this chapter; commits a Class A misdemeanor.	4-21.5-3-36
Aiding in violation 4-21.5-3 § 11,12,13	4-21.5-3-37
Unlawful purchase of lottery tickets	4-30-12-5
A retailer who extends credit or lends money to a person for the purchase of a lottery ticket commits a Class C misdemeanor.	4-30-14-1
A person who: (1) induces another person to assign or transfer a right to claim a prize; (2) offers for sale the right to claim a prize; or (3) offers for compensation to claim the prize of another person; commits a Class A misdemeanor	4-30-14-2
A person who uses point-of-sale material issued by the commission or otherwise represents that the person is a retailer without being under contract with the commission to act as a retailer commits a Class A misdemeanor.	4-30-14-5

## Exhibit B

A person who, without being authorized by the commission in writing, uses the term “Indiana lottery”, “state lottery”, or “Indiana state lottery” or a similar term in reference to an enterprise other than a lottery conducted under this article commits a Class A misdemeanor.	4-30-14-6
Charity gaming penalties	4-32.2-8-4
Riverboat gambling Class A misdemeanors	4-33-10-1
(d) A person who knowingly, recklessly, or intentionally conducts a boxing, sparring, or unarmed combat match or exhibition without first obtaining a license or permit commits a Class B misdemeanor	4-33-22-14(d)
Riverboat Gambling Boxing and Mixed Martial Arts violations	4-33-22-40
A person who: (1) is not an employee of a licensee; (2) is less than twenty-one (21) years of age; and (3) knowingly or intentionally enters the licensee's slot machine facility; commits a Class A misdemeanor.	4-35-9-3
A person who knowingly or intentionally: (1) makes a false statement on an application submitted under this article; (2) conducts a gambling game in a manner other than the manner required under this article; or (3) wagers or accepts a wager at a location other than a licensee's slot machine facility; commits a Class A misdemeanor.	4-35-9-4
A person who knowingly or intentionally: (1) makes a false statement on an application submitted under this article; (2) operates a type II gambling operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this article; (3) permits a person less than twenty-one (21) years of age to play a type II gambling game; or (4) wagers or accepts a wager on a type II gambling game at a location other than a retailer's licensed premises; commits a Class A misdemeanor.	4-36-6-5
Hospital Bonding Authorities - Interest in contracts	5-1-4-22
(a) Except as provided in subsection (b), a person who knowingly releases criminal intelligence information to an agency or person other than a criminal justice agency commits a Class A misdemeanor.	5-2-4-7(a)

Exhibit B

Publication of Notices - Publication Procedures - Violations	5-3-1-9
State Teachers' Retirement Fund Board - violations	5-10.4-3-16
Class B infraction	5-11-1-10
A person who recklessly communicates knowledge of any proposed examination of any public account to the officer in charge of the account or to any other unauthorized person commits a Class B misdemeanor	5-11-1-18
Class C infraction	5-11-1-21
Failure to perform duty	5-13-14-4
A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by state statute commits a Class A misdemeanor.	5-14-3-10
A contractor or subcontractor who knowingly fails to pay the rate of wages determined under this chapter commits a Class B misdemeanor.	5-16-7-3
Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, IC 9-18-22, or under the laws of another state commits a Class C misdemeanor	5-16-9-5(c)
A board member, a U.E.A. member, or an agent of a board member or U.E.A. member who knowingly or intentionally discloses information that is confidential under this section commits a Class A misdemeanor.	5-28-15-7(b)
A person or an entity that receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor	5-28-15-8(c)

## Exhibit C

The United States FAR subchapters and parts include:  
(<https://www.acquisition.gov/Far/>)

- Subchapter A—General
  - Part 1—Federal Acquisition Regulations System
  - Part 2—Definitions of Words and Terms
  - Part 3—Improper Business Practices and Personal Conflicts of Interest
  - Part 4—Administrative Matters
  
- Subchapter B—Competition and Acquisition Planning
  - Part 5—Publicizing Contract Actions
  - Part 6—Competition Requirements
  - Part 7—Acquisition Planning
  - Part 8—Required Sources of Supplies and Services
  - Part 9—Contractor Qualifications
  - Part 10—Market Research
  - Part 11—Describing Agency Needs
  - Part 12—Acquisition of Commercial Items
  
- Subchapter C—Contracting Methods and Contract Types
  - Part 13—Simplified Acquisition Procedures
  - Part 14—Sealed Bidding
  - Part 15—Contracting by Negotiation
  - Part 16—Types of Contracts
  - Part 17—Special Contracting Methods
  - Part 18—Emergency Acquisitions
  
- Subchapter D—Socioeconomic Programs
  - Part 19—Small Business Programs
  - Part 20--[RESERVED, not currently in use]
  - Part 21--[RESERVED, not currently in use]
  - Part 22—Application of Labor Laws to Government Acquisitions
  - Part 23—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
  - Part 24—Protection of Privacy and Freedom of Information
  - Part 25—Foreign Acquisition
  - Part 26—Other Socioeconomic Programs
  
- Subchapter E—General Contracting Requirements
  - Part 27—Patents, Data, and Copyrights
  - Part 28—Bonds and Insurance
  - Part 29—Taxes
  - Part 30--Cost Accounting Standards Administration

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- Part 31—Contract Cost Principles and Procedures
- Part 32—Contract Financing
- Part 33—Protests, Disputes, and Appeals
  
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  - Part 53—Forms

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- [+] CHAPTER 1. GENERAL PROVISIONS
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- [+] CHAPTER 22. APPELLATE COURTS
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- [+] CHAPTER 25. STATUTORY COUNTY COURTS
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- [+] CHAPTER 27. JUSTICE COURTS
- [+] CHAPTER 28. SMALL CLAIMS COURTS
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- [+] CHAPTER 54. MASTERS; MAGISTRATES; REFEREES; ASSOCIATE JUDGES
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**Uniform Government Code [index: <http://www.in.gov/ig/2332.htm>]**  
**(codification of rules applying to Executive Branch)**

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