



## INSPECTOR GENERAL REPORT

2010-07-0176

August 11, 2011

### IDHS CONFLICT OF INTEREST

*Inspector General Staff Attorney Todd Shumaker, after an investigation by Special Agent Dave Clark, reports as follows:*

On July 20, 2010 a complaint against an Indiana Department of Homeland Security (IDHS) employee was submitted to the Office of Inspector General (OIG). The complaint outlined violations of 42 IAC 1-5-6 (conflicts of interest) decisions and voting (IC 4-2-6-10.5), and 42 IAC 1-5-12 (use of state property) by the respondent (Respondent) in relation to Respondent's outside employment as a hazardous materials course instructor.<sup>1</sup>

The OIG is charged by the Indiana Legislature with receiving complaints alleging a violation of the Code of Ethics. IC 4-2-7-3(3).

OIG Special Agent Dave Clark was assigned to investigate. Special Agent Clark conducted interviews and reviewed contracts, proposals and filings pertaining to Respondent's outside work in instructing hazardous materials training courses. Special Agent Clark discovered two occasions in 2010 where Respondent was involved in training sessions that implicated IC 4-2-6-10.5 and

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<sup>1</sup> Respondent sought ethics advice from the State Ethics Commission which was memorialized in Advisory Opinion 09-I-11. In both the written opinion and its discussion of the matter at a public meeting in November 2009, the Commission emphasized to Respondent that he needed to adhere closely to the provisions of IC 4-2-6-10.5(b)(1)(A)-(D) where state grants were involved to ensure he avoided running afoul of the Code of Ethics.

for which Respondent failed to ensure the contract was made after public notice or competitive bidding or to timely file the appropriate statement with the State Ethics Commission (Commission) disclosing his related financial interests in the contracts as required by IC 4-2-6-10.5(b)(1)(A) and (B), respectively. In addition, Special Agent Clark collected evidence that Respondent drove his state-issued vehicle to a private training session on his personal time on three occasions in May 2010.

When confronted in an interview on February 22, 2010 with the records supporting these findings, Respondent admitted that he had made a mistake, however, he wanted to clarify that he had not done anything wrong since he received a letter from the IDHS Director on July 2, 2010 prohibiting him from performing any further work outside of his state employment.

The investigation was submitted to the Commission and a complaint was filed. Respondent subsequently entered into a settlement agreement with the OIG on July 6, 2011 in which he admitted to violating IC 4-2-6-10.5 and 42 IAC 1-5-12 as alleged in the complaint filed with the Commission and agreed to a sanction of a fine in the amount of \$2,238.37. The Commission accepted the settlement on August 8, 2011, as the final disposition in this case.

Dated this 11<sup>th</sup> day of August, 2011.

APPROVED BY:

/signed/  
David O. Thomas, Inspector General