



INSPECTOR GENERAL REPORT

2012-12-0305

May 8, 2013

FSSA USE OF STATE PROPERTY

Inspector General Staff Attorney Jennifer Cooper, after an investigation by Special Agent Charles E. Coffin, reports as follows:

On December 30, 2012 the Office of the Inspector General (OIG) received a complaint from an independent witness (Witness 1) alleging that a Family and Social Services Administration (FSSA) employee (Respondent) was using her state email address to conduct personal business, specifically the sale of Mary Kay products, during working hours. Special Agent Coffin was assigned to investigate.

The OIG is charged to investigate criminal activity and ethics violations by state workers. IC 4-2-7-3.

Under the Indiana Code of Ethics (Code) a state employee shall not make use of state materials, funds, property, personnel, facilities, or equipment for any purpose other than for official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation. 42 IAC 1-5-12. Furthermore, the Code's ghost employment rule provides that a

state employee shall not engage in work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation. 42 IAC 1-5-13.

On January 7, 2013 Special Agent Coffin interviewed Witness 1, and his wife (Witness 2). Witness 1 and Witness 2 both attested that they had attended a Kentucky Flea Market at the Kentucky Expo Hall in Louisville, Kentucky on December 29, 2012, at which Witness 2 had purchased some Mary Kay products from Respondent. Along with her purchase, Witness 2 received a handmade business card with Respondent's contact information for future orders. Witness 1, upon noticing the state email address on the business card, submitted an electronic complaint and mailed a complaint letter along with the business card to the OIG. The business card included Respondent's personal cell phone number, her state email address, and the words "Mary Kay".

Special Agent Coffin obtained Respondent's state email files for the years 2009 through 2013 from the Indiana Office of Technology (IOT). Special Agent Coffin examined these files and discovered that Respondent had used her state-issued computer during her working hours to 1) send and receive emails directly related to conducting private Mary Kay business; 2) to construct an employment contract for her husband's business and send this contract through her state email account; and 3) to send and receive emails related to personal business from no less than sixty-six different sources; all in violation of the computer and internet use agreements she completed and without the knowledge or permission of FSSA.

On January 10, 2013 Special Agent Coffin interviewed Respondent.

Respondent confirmed that she had sold Mary Kay products from a booth at the Kentucky Flea Market on Saturday December 29, 2012. Respondent admitted to distributing some business cards she had made on which she had included her state email address for the purpose of soliciting future orders from the flea market customers. Special Agent Coffin presented Respondent with copies of email messages she had sent or received regarding Mary Kay orders as well as various email messages sent to or received from over sixty-six different businesses, entities and people that were not related to any official state business. Respondent admitted that she used her state computer and state email account to send and receive those personal email messages.

Respondent entered into an Agreed Settlement with the OIG in which she admitted to violations of 42 IAC 1-5-12 (Use of State Property) and 42 IAC 1-5-13 (Ghost Employment). Respondent agreed to sanctions of a fine in the amount of Two Hundred Dollars and 00/100 (\$200.00). The Indiana State Ethics Commission (Commission) approved the Agreed Settlement on April 11, 2013 and Respondent has paid her fine in full. Accordingly, this investigation is closed.

APPROVED BY:

/s/ David O. Thomas, Inspector General