



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF EDUCATION (IDOE)
TITLE: IDOE POST-EMPLOYMENT
CASE ID: 2019-09-0226
DATE: May 7, 2020

Inspector General Chief Legal Counsel, Tiffany Mulligan, after an investigation by Special Agent Charles Coffin, reports as follows:

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch of state government. Ind. Code § 4-2-7-2(b). The OIG investigates allegations of criminal activity and Code of Ethics¹ violations by state workers. Ind. Code § 4-2-7-3(3). The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code § 4-2-7-3(2).

I. Complaint

In September of 2019, the OIG received a complaint alleging that a former employee (Former Employee) with the Indiana Department of Education (IDOE) was violating the Code of Ethics' post-employment rule, Ind. Code § 4-2-6-11. The complaint alleged that the Former Employee administered an IDOE grant (Grant) as an IDOE employee. It also alleged that the Former Employee began contacting potential Grant applicants in the weeks following her resignation to offer her private consulting services and assistance.

¹ The Indiana Code of Ethics is found in [Ind. Code 4-2-6](#) and [42 IAC 1](#).

II. OIG Investigation

OIG Special Agent Charles Coffin investigated the matter. During the investigation, Special Agent Coffin reviewed multiple documents related to the Grant, including applications, allocation spreadsheets and IDOE's contact spreadsheet for the Grant. Special Agent Coffin also reviewed the Former Employee's emails, calendar entries, contacts, computer files and workspace. Special Agent Coffin interviewed multiple witnesses, including three IDOE employees, four Grant applicants and the Former Employee.

Special Agent Coffin learned that the Former Employee was responsible for overseeing the Grant as an IDOE employee. She resigned from IDOE in the summer of 2019. Shortly after resigning, the Former Employee sent an email from a non-state email account to several potential Grant applicants. The non-state email account included what looked like a potential business name (Business) as part of the email address. In the email, the Former Employee offered to assist the potential Grant applicants and reminded them of the Grant application deadline. The email did not notify recipients that the Former Employee was no longer an IDOE employee and that she was offering assistance as a private citizen.

One Grant applicant (Applicant) submitted a Grant application that included language stating that the Applicant planned to enter into a consulting relationship with the Business and the Former Employee. After receiving the Applicant's Grant application, an IDOE representative contacted the Applicant and expressed concerns with the use of the Former Employee as a consultant under the Grant. After the IDOE representative discussed his concerns with the Applicant, IDOE removed references to the Business and the Former Employee from the Applicant's Grant application and approved it.

Special Agent Coffin interviewed both the Applicant and the IDOE representative. The Applicant stated that she responded to the Former Employee's email and asked for more

information about the assistance the Former Employee was offering. The Applicant and the Former Employee had a follow-up phone conversation where the Former Employee provided the Applicant some advice on programs related to the Grant. Both the Applicant and the IDOE representative stated that the Applicant did not enter into a contract with either the Former Employee or the Business because of IDOE's concerns. The Applicant also confirmed that she did not compensate the Former Employee for her advice.

Special Agent Coffin learned that an IDOE representative reviewed all of the Grant applications IDOE received. The IDOE representative found that no other Grant applicant listed either the Business or the Former Employee on its Grant application.

In addition to interviewing the Applicant, Special Agent Coffin interviewed three other applicants. All three applicants stated they received the Former Employee's email offering assistance on the Grant. The first applicant stated she replied to the Former Employee's email letting her know she had submitted an application for the Grant. The first applicant received a reply email from the Former Employee stating that she no longer worked for IDOE and that she would be interested in helping the applicant with other opportunities. The second and third applicants stated that they received no additional correspondence from the Former Employee after the original email. They both notified IDOE after receiving the email. None of these three applicants utilized either the Former Employee or the Business to help prepare their Grant applications.

Special Agent Coffin interviewed the Former Employee. She said that as an IDOE employee, she was involved in reviewing documentation for the Grant. Prior to starting with IDOE, she had years of experience in the education field and had contacts from past jobs. After she resigned from IDOE, she sent an email to her contacts reminding them of the upcoming Grant application deadline and letting them know she was available to assist if they needed any support with the Grant. She said she wanted to provide support because she felt bad that she was leaving

and the Grant application was due soon. Her original intent was to provide quick advice over the phone, but she found some applicants needed consultation that was more extensive.

The Former Employee stated that, without her knowledge, one of her contacts listed her as a consultant on an application for the Grant. The contact stated that IDOE told her that they could not use the Former Employee as a consultant for another year. The Former Employee stated that she did not know that she could not contact people she worked with at IDOE, and as soon as she learned this, she stopped contacting them.

The Former Employee stated that she did not create a consulting business. She said she does not remember when she created the Business email account or when she last used it. She said she never accepted compensation for consulting services and does not currently provide consultant services.

Special Agent Coffin learned that IDOE has a spreadsheet that contains the contact information for potential Grant applicants. The spreadsheet enables IDOE to communicate details of the Grant, such as available funds and application instructions, to relevant individuals. Special Agent Coffin learned that IDOE considers the spreadsheet a confidential document.

Special Agent Coffin learned that IDOE obtained the names of the potential Grant applicants for the spreadsheet from the Former Employee. During her interview with Special Agent Coffin, the Former Employee stated that she did not copy the spreadsheet onto a flash drive or email it to herself. She stated she did not use the IDOE spreadsheet to obtain the list of contacts for the email she sent after leaving state employment, but she instead used the contacts she had developed over her years of experience prior to joining IDOE. Special Agent Coffin also called several contacts on the spreadsheet to see if they all received the Former Employee's email; he found that several contacts did not receive the email.

III. Conclusion

Special Agent Coffin found no evidence that the Former Employee accepted employment or received compensation for providing consulting services to Grant applicants after leaving state employment; therefore, he found no evidence that the Former Employee violated Ind. Code § 4-2-6-11 (b)² or (d)³. Special Agent Coffin also found insufficient evidence that the Former Employee represented or assisted a person on a particular matter on which she personally and substantially worked while with IDOE; therefore, the OIG is declining to bring a complaint against the Former Employee for a violation of Ind. Code § 4-2-6-11 (c)⁴. Although Special Agent Coffin found evidence that the Former Employee provided advice to the Applicant over the phone, the advice did not appear to be for a specific Grant application or agreement that the Former Employee approved or on which she personally and substantially worked while with IDOE.

Special Agent Coffin also found insufficient evidence that the Former Employee violated any confidentiality provision of the Code⁵. Special Agent Coffin found no evidence that the Former Employee copied or emailed herself the confidential IDOE spreadsheet with the list of potential Grant applicants. Although she emailed several individuals on the IDOE list, she

² Ind. Code § 4-2-6-11 (b), the cooling-off provision of the post-employment rule, prohibits a former state employee from accepting employment or receiving compensation for certain employment within one year of leaving state employment.

³ Ind. Code § 4-2-6-11 (d) prohibits a former state employee from accepting employment or compensation if the circumstances surrounding the employment or compensation would lead a reasonable person to believe it was given or offered to influence the state employee in performance of his or her official state duties.

⁴ Ind. Code § 4-2-6-11 (c), the particular matter provision of the post-employment rule, prohibits a former state employee from representing or assisting person on a particular matter if the former state employee personally and substantially participated in the matter as a state employee, even if the former state employee receives no compensation for the representation or assistance.

⁵ The Code contains several confidentiality provisions, including: 42 IAC 1-5-10, which prohibits a state employee from benefitting or permitting others from benefitting from confidential information; 42 IAC 1-5-11, which prohibits a state employee from divulging confidential information; and Ind. Code § 4-2-6-6, which prohibits a former state employee from accepting any compensation from any employment, transaction or investment that was made as a result of confidential information.

maintains that she developed the contacts prior to working for IDOE. Special Agent Coffin found no evidence proving otherwise.

For the above reasons, the OIG is closing this case for insufficient cause.

Dated: May 7, 2020

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive style with a long horizontal flourish at the end.

Lori Torres, Inspector General