Ethics 101

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Who we are and What we do: Office of Inspector General
Who we are and What we do:
State Ethics Commission

5 members
Monthly Meetings
Advise
Adjudicate
OIG Investigations

Types
- Criminal
- Ethics
- Efficiency

Confidentiality
- Investigations are confidential, unless waived
- Waiver of confidentiality must be made by target.

Reporting
- No duty to report
- Benefits of reporting to OIG
- What to expect when you make a report to the OIG
OIG Investigations: Process

1. Receive a complaint
2. Investigation
3. Screening
4. Recommendation
5. Close; No Merit
6. Efficiency Report
7. Ethics Commission
8. Local Prosecutor
Advisory Opinions

Informal Advisory Opinions
- Issued by OIG attorneys
- Confidential
- Prospective in nature
- Evidence of good faith effort to comply with Ethics Code

Formal Advisory Opinions
- Issued by the State Ethics Commission
- Public
- Prospective in nature
- Conclusive proof of compliance with Ethics Code
Ethics Officers

Role in Advisory Process

Required by EO 13-01

Agency Liaison

Who is your client?
Ethics Code: High Risk Areas

01 Conflict of Interests - Decisions and voting
02 Nepotism
03 Political activity
04 Gifts
05 Post-Employment
Conflict of Interests
IC 4-2-6-9

• No participation in decisions or votes, or matters related to those decisions or votes, if any of the following have a financial interest:
  ▫ You
  ▫ Your immediate family member
  ▫ Business organization in which you are employed
  ▫ Anyone you are negotiating prospective employment with
Conflict of Interests
IC 4-2-6-9

• Legislative Changes
  • Broader Prohibition – Beyond the Vote
  • New Disclosure Option

• Still cannot participate in the matter
Conflict of Interests: Things to remember

**Boards & Commissions**
- Educate Special State Appointees
- Disclosures

**Attorneys: Rules of Professional Conduct**
- Rule 1.7
- Rule 1.8
- Rule 1.9

**Post-Employment**
- Keep IC 4-2-6-9 in mind in Post-employment situations

**Disclosures**
- May be filed in writing through OIG website
- May still be approved by the Ethics Commission
- Will be posted on OIG website
DO NOT:

• Hire a relative
• Be employed by agency where your relative is the appointing authority
• Have relatives in your direct line of supervision
• Contract with or supervise work of a contractor if relative is partner, executive officer, or sole proprietor
• Participate in a violation of the rule
Nepotism: Things to remember

- Risks for managers
  - Identify/periodic checks

- Consider appearances
  - Staff
  - Public

- Consider long term nepotism issues
  - Promotions, etc

- Manage
  - Identify
  - Institute appropriate work assignments/reporting structure
Political Activity
42 IAC 1-5-4

CAN:

• Vote
• Make political donation with own money
• Attend political fundraisers on own time and when off-duty
• Work polls
Political Activity
42 IAC 1-5-4

CANNOT:

• Engage in political activity while on duty or while acting in official capacity
• Solicit political contributions from anyone who has a business relationship with agency
• Solicit political contributions from anyone if you have purchasing authority or are an agency head
Political Activity
42 IAC 1-5-4

Other Ethics Rules
• Use of State Property
• Ghost Employment

Other Laws
• Hatch Act
• Dual Office Holding
Gifts
42 IAC 1-5-1

• Cannot accept or solicit gift from anyone that has a business relationship with your agency unless it meets an exception or you get a waiver

• What is business relationship?
  • More than just contracts
  • Includes:
    • Licenses
    • Lobbyists

• Is it seeking to influence?
• No dollar amount
Gifts: Things to remember

- "Thank you" gifts
- Gifts to the agency
- Travel & Registrations
- Fundraising
Post-Employment IC 4-2-6-11

• Three restrictions:
  • Cooling Off Period
    • Lobbying restriction for one year
    • Restriction on who you can work for for one year
  • Particular Matter Restriction
    • Prohibits what you can work on for lifetime of the matter
  • Circumstantial Restriction
    • Cannot accept position if circumstances suggest influence
Post-Employment
IC 4-2-6-11

• Legislative Changes:
  • Cooling Off Restrictions
    • Two-year exception to contract negotiation restriction
    • ALJ provision
  • Waiver review by Commission
  • Definition of employer
Post-employment: Things to remember

- Ask for advice
- Keep Conflict of Interests in mind
- Appearances
- Attorneys: rules of professional responsibility
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