

**MINUTES OF THE MEETING OF  
THE INDIANA STATE ETHICS COMMISSION  
March 14, 2024**

**I. Call to Order**

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:00 a.m. Commission members present were Katherine Noel, Chair; Corinne Finnerty; John Krauss; Sue Anne Gilroy; and Rafael Sanchez (who arrived shortly after meeting start). Office of Inspector General (OIG) staff present included David Cook, Inspector General; Sean Gorman, State Ethics Director; Mark Mitchell, Director of Investigations; Doreen Clark, Staff Attorney; Hope Blankenberger, Staff Attorney; Erin Deckard, Staff Attorney; Mike Lepper, Special Agent; Sam Stearley, Special Agent, and Nathan Baker, Legal Assistant.

Others present were Mattheus Mitchell, Compliance and Ethics Specialist, Indiana Department of Revenue; Amber Nicole Ying, Ethics Officer, Indiana Department of Revenue; April McManus, Business System Analyst, Indiana Department of Revenue; Kumar Patel, Business System Analyst, Indiana Department of Revenue; Alyson Bray, Legal Intern, Indiana Department of Revenue; Daniel Thomas, Senior Counsel, Indiana Department of Revenue; Josh Browelle, Legal Analyst, Indiana Department of Revenue; George Dremonas, General Counsel, Indiana Department of Financial Institutions; Michael Nickell, Field Examiner, Indiana Department of Financial Institutions; Matthew Gerber, Ethics Officer, Family and Social Services Administration; Amie Durfee, Ethics Officer, Indiana Department of Workforce Development; and, Erin Elam, Ethics Officer, Indiana Department of Health.

**II. Adoption of Agenda and Approval of Minutes**

Commissioner Gilroy moved to adopt the agenda. Commissioner Krauss seconded the motion, and the Commission passed the agenda (4-0).

Commissioner Krauss moved to approve the Minutes of the January 11, 2024, Commission Meeting, and Commissioner Gilroy seconded the motion, which passed (5-0).

**III. Request for Formal Advisory Opinion**

2023-FAO-002

Kumar Patel, Business System Analyst

Amber Nicole Ying, Ethics Officer

Indiana Department of Revenue

Amber Ying serves as Director/Special Counsel of Compliance and Ethics and is the agency Ethics Officer for the Indiana Department of Revenue (DOR). Ms. Ying requested the Commission’s

advisory opinion on behalf of Kumar Patel, a Business Systems Analyst with DOR. Specifically, Ms. Ying's request seeks the Commission's determination as to whether the Code permits Mr. Patel's proposed outside business venture while he works at DOR.

Mr. Patel's job duties at DOR include providing assistance in the development of technical standards and policies, recommending and facilitating quality improvement efforts, training and advising lower-level DOR business analysts, working with assigned DOR customers, analyzing business and user needs, participating in the development of strategic planning and facilitating the delivery of technical business solutions and products. Mr. Patel does not make hiring decisions in his DOR role.

Mr. Patel's proposed business would provide training and job placement services to clients seeking careers in the private sector information technology industry. Mr. Patel does not intend to solicit funds or grants from State of Indiana agencies nor does he plan to enter into contractual agreements with any state agencies. Mr. Patel will not use his DOR credentials in the marketing of his business' services.

Mr. Patel's proposed business would contract with and receive compensation from his clients' job placements. Mr. Patel's business would then directly pay its clients as its own employees.

DOR utilizes Knowledge Services and Computer Aid Inc. for DOR's temporary employee needs. Mr. Patel would ensure that his business would avoid placing job seekers in any employment positions with Indiana state government agencies or with staffing agencies that would place his proposed business' employees in state agencies. Further, Mr. Patel will include language in the contracts that his proposed business will enter into with clients requiring clients to notify him should the client enter into a working relationship with a state agency.

Mr. Patel has confirmed that he will dedicate his full efforts to his state responsibilities during his scheduled DOR work hours and that his proposed business venture will not compromise the quality of his DOR work.

Mr. Patel understands that he may not engage in any outside business or professional activity that would require him to disclose confidential information he has gained through his DOR role. Mr. Patel provides that in his proposed business venture, he will not disclose or utilize any confidential information he may have gained from his role in state government.

Ms. Ying's request for a formal advisory opinion invokes the Commission's consideration of the Code's provisions pertaining to Conflicts of Interests, Use of State Property, Ghost Employment and Benefitting from and Divulging Confidential Information. The application of each provision to Mr. Patel's proposed outside business venture is analyzed below.

### *A. Outside employment*

Mr. Patel's proposed outside business opportunity would constitute a conflict of interests under IC 4-2-6-5.5 if it results in any of the following: 1) Mr. Patel receiving compensation of substantial value if the responsibilities of the employment are inherently incompatible with the responsibilities of public office or require his recusal from matters so central or critical to the performance of his official duties that his ability to perform them would be materially impaired; 2) Mr. Patel disclosing confidential information that was gained in the course of state employment; or 3) Mr. Patel using or attempting to use his official position to secure unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals outside state government.

Ms. Ying has discussed internal DOR policies and relevant Code provisions with Mr. Patel regarding his proposed business venture.

As mentioned previously, Mr. Patel confirmed that he will dedicate his full efforts to his state responsibilities during his scheduled DOR work hours and that his proposed business venture will not compromise the quality of his DOR work.

Mr. Patel will not use his DOR position or credentials in marketing for his proposed business venture. Nothing in the information presented suggests that Mr. Patel would use or attempt to use his DOR position to secure any unwarranted privileges or exemptions for himself, his proposed business, its clients or others.

The Commission finds that based on the information before it, Mr. Patel's proposed business venture would not be inherently incompatible with his DOR duties and would not require his recusal from DOR work such that his ability to perform his DOR duties would be materially impaired.

The Commission further finds that based on the information before it, Mr. Patel understands that he may not engage in any outside business or professional activity that would require his disclosure of confidential information he gained from his state role.

Based on the information before it, the Commission finds that Mr. Patel's proposed outside business venture will not violate IC 4-2-6-5.5 (a)(1) or (a)(2).

### *B. Conflict of interests - decisions and votes*

IC 4-2-6-9 (a)(1) prohibits Mr. Patel from participating in any decision or vote, or matter relating to that decision or vote, if he has a financial interest in the outcome of the matter. Similarly, IC 4-

2-6-9(a)(3) prohibits Mr. Patel from participating in any decision or vote, or matter relating to that decision or vote, if a business organization, such as his proposed business, has a financial interest in the outcome of the matter.

Accordingly, Mr. Patel would have a potential conflict of interests if he were in a position to participate in decisions or votes, or matters related to such decisions or votes, in which he or his proposed business would have a financial interest in the outcome.

IC 4-2-6-9(b) requires that an employee who identifies a potential conflict of interests notify his or her Ethics Officer and Appointing Authority and either seek an advisory opinion from the Commission or file a written disclosure statement.

Ms. Ying has counseled Mr. Patel on the processes for both filing a conflict of interests disclosure and implementing a screen upon the identification of a potential conflict of interests.

The Commission finds that based on the information before it, Mr. Patel is not in a position at DOR to participate in matters in which he himself or his proposed outside business has a financial interest. Furthermore, the Commission finds that Mr. Patel's outside business would not require his recusal from his DOR duties or a disclosure of a potential conflict of interests. The Commission advises Mr. Patel to continuously evaluate for the potential conflict of interests when assigned new DOR matters and as his proposed business venture develops.

#### *C. Conflict of interests - contracts*

Pursuant to IC 4-2-6-10.5, Mr. Patel may not knowingly have a financial interest in a contract made by an agency. This prohibition does not apply so long as he does not participate in or have contracting responsibility for the contracting agency, and he files the prescribed written statement with the Inspector General prior to the execution of such a contract.

Mr. Patel does not have the authority to enter or participate in the negotiation of contracts in his role at DOR. He will not seek to do business with the State of Indiana, and he does not intend to solicit funds or grants from State of Indiana agencies. Mr. Patel does not plan to enter into any contractual agreements with any state agency, and he will not place his clients with staffing agencies that may source his clients to a state agency.

So long as Mr. Patel does not receive any compensation derived from state contract or grant funds through his proposed business venture, the Commission finds that he would not have a financial interest in a state contract that would create a conflict of interests under the Code or Criminal Code.

#### *D. Confidential information*

Mr. Patel is prohibited under 42 IAC 1-5-10 and 42 IAC 1-5-11 from benefitting from, permitting any other person to benefit from or divulging information of a confidential nature except as permitted or required by law. Similarly, IC 4-2-6-6 prohibits Mr. Patel from accepting any compensation from any employment, transaction or investment that is entered into or made as a result of material information of a confidential nature. The term “person” is defined in IC 4-2-6-1(a)(13) to encompass both an individual and a corporation, such as Mr. Patel’s proposed business. In addition, the definition of “information of a confidential nature” is set forth in IC 4-2-6-1(a)(12).

To the extent Mr. Patel is exposed to or has access to such confidential information in his DOR role, the Commission reminds Mr. Patel that he would be prohibited not only from divulging that information but from ever using it to benefit any person, including his proposed business or its clients, in any manner.

*E. Use of state property and Ghost employment*

42 IAC 1-5-12 prohibits Mr. Patel from using state property 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 that has been approved by the Commission. Likewise, 42 IAC 1-5-13 prohibits Mr. Patel from engaging in, or directing others to 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.

To the extent that Mr. Patel observes these provisions regarding his outside business venture, the Commission finds that the operation of his proposed business while employed at DOR would not violate these ethics laws.

Commissioner Gilroy moved to approve the Commission’s findings, and Commissioner Krauss seconded the motion, which passed (5-0).

**IV. Consideration of Agreed Settlement**

In the Matter of Loretta Lewis  
Case Number 2023-08-0276  
Hope Blankenberger, Staff Attorney  
OIG

Hope Blankenberger presented the proposed Agreed Settlement in this matter to the Commission for their approval.

Commissioner Sanchez moved to approve the Agreed Settlement, and Commissioner Krauss seconded the motion, which passed (5-0).

## V. Ethics Director's Report

State Ethics Director Sean Gorman provided the following to the State Ethics Commission:

OIG has issued 47 IAOs since the January meeting. We are seeing a spike in the number of requests for guidance regarding employees' prospective post-employment plans. We are also seeing more political activity questions.

The 2024 legislative session has concluded and there were no bills or discussions that directly impacted the Code of Ethics, the State Ethics Commission, or the Inspector General's office statutes.

One item of interest that we saw is HB1338, which is currently on the Governor's desk. This legislation was originally dedicated to issues about public meeting decorum. Late in the session, language was added that specifies that: (1) the public access counselor serves at the pleasure of the governor; and (2) when issuing an advisory opinion, the public access counselor may consider only the plain text of the public access laws and valid Indiana court opinions. Indiana's public access counselor is who we would go to if we had questions about the interpretation of the open-door law for our public meetings or the access to public records act issues.

We are scheduling an ethics officer roundtable remote meeting to take place on April 10, 2025. In advance of this meeting to determine agenda topics, I reached out to our agency ethics officers and was resoundingly informed that they would like to discuss the political activity rule.

2023 OIG statistics:

- o 186 IAOs issued
- o 446 hotlines screened – no jurisdiction in 348 of those complaints received
- o 50 new investigations opened
- o 43 investigations closed
- o 2 cases presented to local prosecutors for criminal action
- o 4 cases presented to the SEC for a probable cause finding and permission to file a complaint before the SEC

At our January meeting, I reported the departure due to the retirement of Mark Mader. Erin Deckard has joined the Inspector General's office as our newest staff attorney. Erin has an undergraduate background in public policy and is a Maurer School of Law graduate. She joins us after a stint in private practice. In her short tenure here so far, she has already worked on the issuance of 2 IAOs and has demonstrated that she is a quick learner. I'm sure you will be seeing more of her soon.

## **VI. Adjournment**

Commissioner Gilroy moved to adjourn the public meeting of the State Ethics Commission. Commissioner Krauss seconded the motion, which passed (5-0).

The public meeting adjourned at 10:42 a.m.



Eric J. Holcomb  
Governor

Lindsay M. Weaver, MD, FACEP  
State Health Commissioner

April 1, 2024

Indiana State Ethics Commission  
Office of the Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

RE: IC 4-2-6-11 Post-employment waiver

Indiana State Ethics Commission,

As the Appointing Authority of the Indiana Department of Health, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Shane Hatchett in his post-employment with the Marion County Public Health Department.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of  
*(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.

IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

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- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
  - IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*
- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.
1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:  
*As Deputy Health Commissioner and Chief of Staff, Shane Hatchett signed on average 1,000 contracts, grants, and amendments each year based on recommendations of program managers and key staff. He rarely was the sole administrator for them and his primary function was to ensure proper procedures were followed (procurement policies/laws, financial appropriateness, etc.). Marion County Public Health Department was among those agreements he signed as one of 95 local health departments in Indiana that receives funding from IDOH. MCPHD functions as municipal corporation with jurisdiction in Marion County, separate and not directly governed or regulated by IDOH. MCPHD receives funding primarily from local tax levies. It also receives funding from Indiana Department of Health through various state and federal funds, none of which were directed or overseen by Mr. Hatchett. No regulatory or policy actions in which Mr. Hatchett was involved during his time at IDOH are implicated in this engagement with MCPHD.*
  2. Please describe the nature of the duties to be performed by the employee for the prospective employer:  
*Mr. Hatchett will assist the Marion County Public Health Department as a part-time contractor. His scope will include project management services, communication advising, stakeholder engagement, strategic planning consultation, and accreditation consulting. No IDOH-specific matters, regulatory items, or policies are in scope of his work with MCPHD and no IDOH grants will be used to fund his contract.*



3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

*Mr. Hatchett does not intend to interact with the Indiana Department of Health in this capacity. He understands that such contact on behalf of MCPHD could potentially be a violation. MCPHD leadership is also aware of this restriction and it will not hinder Mr. Hatchett's scope of work.*

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

*Mr. Hatchett has specific knowledge about public health, Medicaid, and public administration from his education and training that could benefit MCPHD and their efforts to achieve accreditation, implement process improvement across the department, and design programs that build on cross-sectoral partnerships. Moreover, restricting Mr. Hatchett's ability to consult with MCPHD would deprive a governmental entity of a knowledgeable local resource that otherwise would be procured through national accreditation providers or more costly companies for similar types of work.*

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

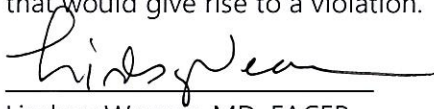
*Mr. Hatchett would potentially lose opportunities to consult with local health departments in the state and provide them with relevant expertise to assist them with their accreditation and quality improvement processes.*



C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Lindsay Weaver, MD, FACEP

03/28/2024

DATE

2. Ethics Officer of agency

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Erin R. Elam

04/01/2024

DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission

\_\_\_\_\_  
Katherine Noel, Chair, State Ethics Commission

\_\_\_\_\_  
Date

Mail to:

Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

OR

Email scanned copy to:

[info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted*



**Indiana**  
Department  
of  
**Health**



Eric J. Holcomb  
*Governor*

Lindsay M. Weaver, MD, FACEP  
*State Health Commissioner*

April 1, 2024

Ms. Katherine Noel, Chair  
Indiana State Ethics Commission  
315 W Ohio Street, Room 104  
Indianapolis, IN 46202

Subject: Waiver of post-employment restriction for Shane Hatchett

Dear Ms. Noel:

As the State Health Commissioner, I am writing to you to express my support and approval of the Indiana Department of Health's (IDOH) waiver of post-employment restrictions for Shane Hatchett's proposed employment with the Marion County Public Health Department.

I regret that I am unable to appear in person to present the waiver. I understand that IC 4-2-6-11(g) requires the state appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the meeting on April 11, 2024. Deputy Health Commissioner Amy Kent will attend the Commission meeting on my behalf.

I fully support and approve this waiver. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads 'Lindsay Weaver'.

Lindsay Weaver, MD, FACEP  
*State Health Commissioner*

cc: Indiana Office of Inspector General

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