

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

40 IAC 2-1-4

An ISL division head questioned whether serving on the board of a fund that made grants to her agency created a conflict of interest. SEC found no conflict of interest existed since there was no way the division head could personally benefit by serving on the board.

No. 2 Conflict of Interest

FACT SITUATION

A division head of the Division for the Blind and Physically Handicapped of the Indiana State Library Staff has requested and received grants from the Indianapolis Star's Fund for the Blind the past two years. The Star's Blind Fund receives their funds from the proceeds of the Indiana-Kentucky All-Star High School Basketball Games each year. The fund provides scholarships and specialized equipment for the blind to individuals, organizations or agencies, and grants are also made for blind athletes in all areas of sports.

The grants that the State Library has received during the two years were used to purchase specialized braille equipment to put material into braille from print. The Division for the Blind serves over 600 individuals throughout the State of Indiana.

The division head has been asked to serve on the Board of Directors of the Indianapolis Star's Fund for the Blind which is part of the Central Newspapers Foundation. In this capacity, the division head would be voting on grant recipients as a part of her duties. There is no compensation for serving on the board and there are no expenses paid, even for mileage.

QUESTION

Would a state employee serving on the board of a fund that makes grants to the employees' agency be placed in a possible conflict of interest situation.

OPINION

It was a unanimous vote of the Commission that no conflict of interest existed in this situation. The individual was a sighted person and no one in the immediate family was blind. There was no way the individual could personally benefit by serving on the Board of Directors of the Indianapolis Star's Fund for the Blind.

The relevant definition, 40 IAC 2-1-4(D), provides, "Conflict of interest" means a situation in which a state officer's or employee's private interest, usually of a financial or economic nature, may influence his judgement in the performance of his public duty."

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