

**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 Consequently, the analysis reflected in the opinion may be outdated.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 2-1-9**

The wife of an IDEM employee was contacted by an engineering firm to assist the firm in submitting a proposal to the State. SEC found there would be no conflict of interest in the wife assisting the firm with the proposal so long as the employee had no direct or indirect involvement in the project, no knowledge or participation in the selection of the potential sites, was not a part of the evaluation team for the proposals and was not aware of which employees would evaluate the proposal.

**90-I-13: Conflict of Interest  
Indiana State Ethics Commission  
Official Advisory Opinion  
(Decision May 10, 1990)**

**FACT SITUATION**

The wife of a state employee was contacted by an engineering firm to assist in submitting a proposal to the state. The state employee was the Northwest Indiana Remedial Action Coordinator for the Indiana Department of Environmental Management with responsibilities to coordinate the efforts of federal, state, and local entities in cleaning up the Grand Calumet River area. The employee's duties did not include reviewing projects in regard to broad agency announcement clean-ups or selecting sites that would be part of a clean-up. The employee said he would not give any information to his wife that could be used in the application and did not know what was in the application on which she worked. The wife was formerly employed as an executive assistant to the Commissioner of the Department of Administration, but left employment on January 10, 1989. She had extensive knowledge and background in the area of state procurement procedures. An engineering firm desired her to assist in putting together a proposal in response to a broad agency announcement released by the Department of Administration for the Department of Environmental Management. Her assistance would be in the mechanics of how the proposal should be organized, i.e., making sure it was signed properly, all the proper paperwork was there, including the non-collusion affidavit, and reviewing the contract terms. The proposal was for the performance of a remedial investigation and feasibility study for four Superfund sites in Indiana, but the proposal did not specify the four sites; it was to be based and evaluated on a hypothetical site. One of the sites could possibly be in the employee's area. Upon review of the proposals submitted, up to four contractors were to be chosen to further negotiate with the state. The wife had no knowledge in the technical part of the proposal.

**QUESTION**

Would a conflict of interest exist if the wife of an employee in the Department of Environmental Management was paid for assisting an engineering firm in the mechanics in submitting a proposal to the State in response to a broad agency announcement when the proposal was to do a project for the Indiana Department of Environmental Management?

**OPINION**

The Commission found that there was no conflict of interest when a state employee's spouse was paid to assist a firm in submitting a proposal to the State so long as the state employee had no direct or indirect involvement in the project, no knowledge or participation in the selection of the potential sites, was not a part of the evaluation team for the proposals, and was not aware of which employees would evaluate the proposal.

The relevant rules are as follows:

40 IAC 2-1-9(A) provides, "If in the course of the discharge of his official duties as a state officer or state

employee he shall find himself in a position where his, or his spouse's or his unemancipated children's economic interest shall be substantial and material and in conflict with the interest of the people of this State, then such state officer or state employee shall be expected to resolve such conflict as provided for in Section 10 (40 IAC 2-1-10)."

40 IAC 2-1-9(F) provides, "No state officer or employee shall participate in any decision or vote of any kind in which he, his spouse, or his unemancipated children have an economic interest."