

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 Consequently, the analysis reflected in the opinion may be outdated.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 the OUCC's Deputy Consumer Counselor for State Affairs sought to work as a free-lance writer for which she would receive income from Indiana utilities for writing articles for publication in utility or utility association publications. SEC found this presented a conflict of interest, and the Counselor's wife could either write without remuneration for a utility publication or she could receive payment from non-utility sources for educational articles she wrote about utilities, but she could not receive payments from an Indiana utility or a utility association.

**90-I-19 Conflict of Interest
Indiana State Ethics Commission
Official Advisory Opinion
(Decision August 10 and September 6, 1990)**

FACT SITUATION

The wife of the Deputy Consumer Counselor for State Affairs in the Office of Utility Consumer Counselor was interested in working as a free-lance writer, writing educational articles regarding utility regulations for periodicals and magazines. The Deputy Consumer Counselor for State Affairs wanted to know if she could write for in-house utility publications and employee newsletters for utilities such as Public Service Indiana and Indianapolis Power and Light. The Deputy Consumer Counselor for State Affairs' duties were to represent and act as an advocate for the utility ratepayers in the State of Indiana. His wife had previously been employed by the Public Service Commission in the Public Information Department and was, before leaving state service, Director of that Department. She was a graduate of DePauw University with a major in public relations. For free-lance writing of articles, the wife expected to be paid somewhere between \$50 and \$300 per article.

QUESTION

Is it a conflict of interest for the wife of the Deputy Consumer Counselor for State Affairs in the Office of Utility Consumer Counselor to receive income from Indiana utilities for writing articles for publication in utility or utility association publications?

OPINION

The Commission rendered the opinion that it would be a conflict of interest for the Deputy Consumer Counselor's wife to receive income from a utility when the Deputy Consumer Counselor is paid to represent the consumer in utility requests before the Indiana Utility Regulatory Commission. The wife could receive payment from non-utility sources for educational articles she writes about utilities, but not payments from an Indiana utility or a utility association. She may write without remuneration for a utility publication.

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)."

The definition of "conflict of interest" says it is "a situation in which a state officer's or employee's private interest, usually of a financial or economic nature may influence his judgment in the performance of his public duty."