

**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 Consequently, the analysis reflected in the opinion may be outdated.

**IC 4-15-7-1 Nepotism**

No violation of the Nepotism rule arose for the Director of a county welfare department to be in a supervisory capacity over her deceased husband's niece.

August 15, 1991  
No. 91-I-18

**FACT SITUATION**

The director of the Lake County Department of Public Welfare, who also served as District 1 Director for the State Department of Public Welfare, had recently learned that a niece of her deceased husband became employed by her agency. The employment of the niece went through the normal channels and the director was not aware of either the niece's interest in working for the agency nor the fact that the niece subsequently was hired. The director's husband had been deceased for twenty-five years.

The director was responsible for all employees throughout the district and was to be responsible for signing the form when this individual completed her probationary period. The director would also be involved in consideration of the niece's promotions or advancements within the agency.

The director said she had not been close with her husband's family. His mother and father were deceased as was his sister, the mother of this individual.

**QUESTION**

Is it a violation of the nepotism law for the director of the Lake County Department of Public Welfare if a niece of the director's deceased husband was employed by the agency?

**OPINION**

The Commission did not consider it a violation of the state's nepotism law for the director of the Lake County Welfare Department to be in a supervisory capacity over her deceased husband's niece.

The relevant statute is IC 4-15-7-1.