

**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 Consequently, the analysis reflected in the opinion may be outdated.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 4-2-6-9(a) Conflict of interest**

**40 IAC 2-1-8 Moonlighting and other activity**

SEC found there was no problem with a DNR conservation officer entering her land in a habitat program and applying for habitat cost share programs.

**94-I-3, Conflict of Interest, Moonlighting  
(Decision February 17, 1994)**

**FACT SITUATION**

A conservation officer in the Law Enforcement Division of the Department of Natural Resources wanted to know if it was a conflict of interest or a violation of the moonlighting and other activity rule for her as a conservation officer to have her land entered in the classified wildlife habitat program and to apply for wildlife habitat cost share programs.

Conservation officers had full police powers and were responsible for enforcement of various fish and wildlife laws. This conservation officer and her husband purchased approximately 73 acres of property with the intention of turning approximately 60 of the acres into a classified wildlife area pursuant to the Classified Wildlife Habitat Act of 1979. The only involvement a conservation officer had with a classified wildlife habitat occurred when a landowner asked a conservation officer to accompany the district biologist in order to determine the perimeter of the property for enforcement purposes. The conservation officer said she did not plan to live on the land in question.

The classified wildlife habitat program was a tax abatement program under which land that qualified was assessed at \$1 per acre for general property taxation purposes. The wildlife habitat cost share program was a program under which landowners were reimbursed for ninety percent of the costs of improvement made on their property. District biologists administered both these programs and made decisions as to who was reimbursed.

**QUESTION**

Is it a conflict of interest or a violation of the moonlighting rule for a conservation officer to enter his or her private land in the classified wildlife habitat program and to apply for the wildlife habitat cost share program?

**OPINION**

The Commission found it was not a conflict of interest or a violation of the moonlighting and other activity rule for a conservation officer to enter 60 acres of land into the classified wildlife area program or to apply for wildlife habitat cost share programs.

The relevant statute and rule are as follows:

IC 4-2-6-9(a) on conflict of interest provides, "A state officer or employee may not participate in any decision or vote of any kind in which the state officer or the employee or that individual's spouse or unemancipated children has a financial interest."

40 IAC 2-1-8 on moonlighting and other activity provides, "A state employee shall not engage in outside employment or other outside activity not compatible with agency rules or the full and proper discharge of public duties and responsibilities. This outside employment or other outside activity must not impair independence of judgment as to official responsibilities, pose a likelihood of conflict of interest, or require or create an incentive for the employee to disclose confidential information acquired as a result of official duties."

