

**42 IAC 1-5-5 Outside employment (IC 4-2-6-5.5)
IC 4-33-3-19 Agency Statute**

It was not inherently incompatible with his official state responsibilities for the IGC's Executive Director to serve on the board of directors of a bank, although further analysis under the IGC's statute would be necessary.

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BACKGROUND

Before the Executive Director of the Indiana Gaming Commission took the position, he served on the board of directors of a nationally-chartered bank. The Executive Director asks if he can return to the board position and receive the stipend paid by the bank to its directors.

The bank has no relationship with any of the entities or individuals regulated by the Indiana Gaming Commission. The responsibilities would require an average of half a day per month and would be served on non-state time.

ISSUE

Can the Executive Director serve on a bank board of directors while serving as Executive Director of the Indiana Gaming Commission?

RELEVANT LAW

IC 4-33-3-19 Executive Director; duties
Sec 19.

Outside Employment Statute
IC 4-2-6-5.5

CONCLUSION

This outside employment case involves more than just an analysis of the outside employment statute. The Indiana Gaming Commission statute IC 4-33-3-19 places a prohibition on the executive director from "holding any other office or employment."

The State Ethics Commission does not have the jurisdiction to interpret IC 4-33-3-19 and recommends that the Executive Director request an Attorney General opinion on the subject.

In regard to the application of IC 4-2-6-5.5, the outside employment statute, the Commission finds that the service of the Executive Director on the board of directors of a bank is not inherently incompatible with his responsibilities as Executive Director of the Indiana Gaming Commission. Such service will not require that he recuse himself from any matters at the Indiana Gaming Commission. Further, the service should not concern any matters of confidential state information.