

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
November 15, 2017**

I. Call to Order

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:00 a.m. Commission members present included James Clevenger, Chairperson; Robert Jamison; and Daryl Yost. Staff present included Lori Torres, Inspector General; Jennifer Cooper, Ethics Director; Matthew Savage, Staff Attorney; Kelly Haltom, Staff Attorney, and Celeste Croft, Legal Assistant, Office of Inspector General.

Others present were Adrienne Brune, Attorney/Ethics Officer, State Department of Health; Mark Tidd, Prequalification & Permits Director/Ethics Officer, Department of Transportation; Tamera Glickman, Assistant General Counsel/Ethics Officer, Department of Administration; Latosha Higgins, Managing Attorney/Ethics Officer, Family & Social Services Administration; Robert Glass, Program Director 1, Family & Social Services Administration; James Lam, Environmental Manager, Indiana Department of Environmental Management; Timothy Schultz, General Counsel/Ethics Officer, Indiana State Board of Education; Matthew Voors, Executive Director, Indiana State Board of Education; Kathleen Mills, Attorney/Ethics Officer, Indiana Department of Environmental Management; Shannon Stuart, Legal Intern, Indiana State Board of Education; Byron Ernest, Board Member, Indiana State Board of Education; Stephanie Mullaney, Deputy Attorney General, Attorney General’s Office; Chelsea Smith, Administrative Law Judge/Ethics Officer, Indiana Department of Homeland Security; Marsha Bugalla, General Counsel, Department of Education; Bruno Pigott, Commissioner, Indiana Department of Environmental Management; and Jeffrey Herr, Director of Account Management and Counsel, Indiana Economic Development Corporation.

II. Adoption of Agenda and Approval of Minutes

Commissioner Jamison moved to adopt the Amended Agenda and Commissioner Yost seconded the motion which passed (3-0). Commissioner Yost moved to approve the Minutes of the September 14, 2017 Commission Meeting and Commissioner Jamison seconded the motion which passed (3-0).

III. Request for Formal Advisory Opinion

**17-I-13 Robert Glass, Program Director
Latosha Higgins, Interim Managing Attorney/Ethics
Family and Social Services Administration**

Latosha Higgins, Ethics Officer for the Indiana Family and Social Services Administration (FSSA), stated that she is requesting a Formal Advisory Opinion on the behalf of Robert Glass.

Since December 2014, Mr. Glass has worked for FSSA's Office of Medicaid Policy and Planning (OMPP) as a Government Affairs Analyst. OMPP oversees the administration of Indiana Health Coverage Programs, which include Medicaid, the Children's Health Insurance Program (CHIP) and the Healthy Indiana Plan (HIP). Mr. Glass assists the FSSA Legislative Director and Medicaid Director in executing Medicaid's legislative goals. His duties include analyzing state legislation and federal regulations, responding to external inquiries, and serving as the Medicaid legislation liaison. The purpose of Mr. Glass' position is to effectively manage Medicaid legislation and ensure the program is in compliance with federal law and regulations.

On October 5, 2017, Mr. Glass notified Ms. Higgins of his intent to apply for a State Policy & Legislative Affairs Manager position with CareSource, and she reviewed the post-employment restrictions that would be applicable. Ms. Higgins determined there was no need for an internal screen since Mr. Glass had not commenced negotiations. The following week, Mr. Glass was contacted for a first round interview on October 11, 2017. Although Mr. Glass does not oversee CareSource's contract with the State, Mr. Glass and Ms. Higgins agreed that an internal screen would be appropriate to avoid any potential conflicts of interests and the appearance of impropriety during the negotiation process. Mr. Glass' supervisor implemented a screen so that Mr. Glass would not handle any matters related to CareSource.

CareSource is a nonprofit managed care company based in Dayton, Ohio. The company offers Medicaid managed care plans, Medicare Advantage plans and Marketplace insurance plans in multiple states. CareSource, one of the four managed care entities ("MCE"), contracted with FSSA to coordinate care for members enrolled in Indiana Medicaid programs.

Mr. Glass neither engaged in the negotiation or administration of any contract between the State and CareSource, nor was he in a position to make a discretionary decision affecting the outcome of the negotiation or administration of any contract with CareSource.

OMPP's Quality & Outcomes section maintains oversight of the MCEs and manages their contracts to ensure compliance. Contract managers under the leadership of the Managed Care Compliance Manger and Quality and Outcomes Section Director are the primary point of contact for the MCEs. CareSource has an assigned contract manager.

Mr. Glass periodically interacts with policy and government relations staff from all MCEs, including CareSource. Typically, his work involves an occasional email or call to discuss policies or legislation relevant to FSSA's managed care programs. Mr. Glass has more frequent contact with MCEs when the Indiana General Assembly is in session. Such contact can include weekly policy discussions. According to Mr. Glass, CareSource often participates in these discussions or may contact him directly with questions. His participation in these discussions includes highlighting recent state or federal developments, providing any relevant information on the subject matter and asking for feedback concerning the impact to the members FSSA serves.

Mr. Glass indicates that his role with CareSource would support the company's government affairs team by developing and implementing advocacy plans, monitoring legislative and governmental activities, analyzing legislation and maintaining relationships with legislative and government officials.

Ms. Higgins provides that Mr. Glass knows and understands that Indiana's ethics laws will continue to apply to him as a private sector employee. He understands and agrees not to divulge confidential information of FSSA during his post-employment endeavors. Furthermore, Mr. Glass understands and agrees to abide by the one-year restriction regarding registering as an executive branch lobbyist.

The advisory opinion stated the following analysis:

Mr. Glass's post-employment opportunity with CareSource implicates the provisions of the Code pertaining to confidential information, conflicts of interests, and post-employment. The application of each provision to Mr. Glass's prospective post-employment opportunity with CareSource is analyzed below.

A. Confidential Information

IC 4-2-6-6 prohibits Mr. Glass from accepting any compensation from any employment, transaction, or investment that was entered into or made as a result of material information of a confidential nature. Based on the information provided, it does not appear that Mr. Glass would utilize confidential information in his potential employment with CareSource. So long as any compensation Mr. Glass receives does not result from confidential information, his potential employment with CareSource would not violate IC 4-2-6-6.

B. Conflicts of Interests

IC 4-2-6-9(a)(1) prohibits Mr. Glass from participating in any decision or vote, or matter related to any such decision or vote, if he has a financial interest in the outcome of the matter. Similarly, IC 4-2-6-9(a)(4) prohibits Mr. Glass from participating in any decision or vote, or matter related to any such decision or vote, in which a person or organization with whom he is negotiating or has an arrangement concerning prospective employment has a financial interest in the outcome of the matter. The definition of financial interest in IC 4-2-6-1(a)(11) includes, "an interest arising from employment or prospective employment for which negotiations have begun."

In this case employment negotiations have already begun as Mr. Glass was contacted for an interview on October 11, 2017. Accordingly, a conflict of interests would arise for Mr. Glass if he participates in a decision or vote, or matter related to such decision or vote, in which either he, by virtue of his employment negotiations with CareSource, or CareSource itself would have a financial interest.

Mr. Glass informed Ms. Higgins of the particular opportunity with CareSource, and they determined that Mr. Glass was not in a position to participate in decisions or votes

involving CareSource's contract with FSSA. However, Mr. Glass' supervisor implemented an internal screen to ensure that Mr. Glass did not handle any matters related to CareSource.

Mr. Glass must ensure he does not participate in any decisions or votes, or matters relating to any such decisions or votes, in which he or CareSource has a financial interest in the outcome of the matter for the remainder of his state employment. Further, if he identifies a potential conflict of interests, he must follow the requirements in IC 4-2-6-9(b) to avoid violating this rule.

C. Post-Employment

IC 4-2-6-11 consists of two separate limitations: a "cooling off" period and a "particular matter" restriction. The first prohibition, commonly referred to as the cooling off or revolving door period, prevents Mr. Glass from accepting employment from an employer for 365 days from the date that he leaves state employment under various circumstances. Employer is defined in IC 4-2-6-1(a)(10) as any person from whom a state employee receives compensation and therefore includes a client or customer of a self-employed individual.

First, Mr. Glass is prohibited from accepting employment as a lobbyist for the entirety of the cooling off period. A lobbyist is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration (IDOA). The information provided by Ms. Higgins indicates that Mr. Glass understands this restriction and has agreed to abide by the one-year restriction regarding registering as an executive branch lobbyist.

Mr. Glass' prospective position as State Policy & Legislative Affairs Manager with CareSource would support the company's government affairs team by developing and implementing advocacy plans, monitoring legislative and governmental activities, analyzing legislation and maintaining relationships with legislative and government officials. Because this type of work appears to include contact with government officials, the Commission has requested that Mr. Glass read the IDOA's Executive Branch Lobbying manual to ensure that he understands the types of interactions with the executive branch that would be considered to be executive branch lobbying or require him to register as an executive branch lobbyist. To the extent that Mr. Glass does not engage in executive branch lobbying for one year after leaving state employment, his intended employment with CareSource would not violate this provision of the post-employment rule.

Second, Mr. Glass is prohibited from accepting employment for 365 days from the last day of his state employment from an employer with whom 1) he engaged in the negotiation or administration of a contract on behalf of a state agency and 2) was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of the contract. Mr. Glass neither engaged in the negotiation

or administration of any contract between the State and CareSource, nor was he in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of any contract with CareSource during his state employment. Accordingly, the Commission finds that Mr. Glass is not prohibited under this provision from accepting employment with CareSource immediately upon leaving state employment.

Third, Mr. Glass is prohibited from accepting employment for 365 days from the last day of his state employment from an employer for whom he made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary.

The Commission finds that this provision does not apply to Mr. Glass because he has not made any regulatory or licensing decisions that applied to CareSource as a state employee. Consequently, he is not prohibited under this provision from accepting employment with CareSource immediately upon leaving state employment.

Fourth, Mr. Glass is prohibited from accepting employment from an employer if the circumstances surrounding the hire suggest the employer's purpose is to influence him in his official capacity as a state employee. The information presented to the Commission does not suggest that the offer of employment from CareSource was extended to Mr. Glass in an attempt to influence him in his capacity as a state employee. Accordingly, the Commission finds that this restriction would not apply to his intended employment opportunity with CareSource.

Finally, Mr. Glass is subject to the post-employment rule's "particular matter" prohibition in his prospective post-employment. This restriction prevents him from representing or assisting a person on any of the following twelve matters if he personally and substantially participated in the matter as a state employee: 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project, or 12) a public works project. The particular matter restriction is not limited to 365 days but instead extends for the entire life of the matter at issue, which may be indefinite.

Mr. Glass has not identified any particular matters. Further, his work with FSSA primarily involves legislative and policy matters that would be exempt from the particular matter restrictions.

The Commission finds that Mr. Glass must ensure compliance with the particular matter restriction and refrain from assisting or representing CareSource or any other person on any of the particular matters listed above that he may have personally and substantially worked on during his state employment regardless of whether it involved CareSource.

The Commission found that, subject to the application of the one-year restriction regarding executive branch lobbying, Mr. Glass' post-employment opportunity with CareSource would not violate the post-employment restrictions found in IC 4-2-6-11.

Commissioner Yost moved to approve the Commission's findings and Commissioner Jamison seconded the motion which passed (3-0).

IV. Request for Formal Advisory Opinion

17-I-15 Byron Ernest, Board Member
Timothy Schultz, General Counsel/Ethics Officer
Indiana Board of Education

Timothy Schultz, General Counsel and Ethics Officer for the Indiana State Board of Education (Board), stated that he is seeking a Formal Advisory Opinion on behalf of Dr. Byron Ernest. Dr. Ernest is an appointed member of the Board, which operates under the Executive branch of Indiana state government and is a special state appointee for purposes of the Code of Ethics (Code). Dr. Ernest has recently been approached by Noble Education Initiative (NEI) about a possible employment opportunity with NEI.

The Board is composed of eleven members, including the Superintendent of Public Instruction, and it oversees K-12 education policymaking in the State. Pursuant to IC 20-19-2, the Board's responsibilities include authorizing the distribution of state education funds to local schools, adopting rules to implement various programs and requirements, determining a school's P.L. 221 performance and improvement category designation, accrediting public and nonpublic schools, and implementing interventions to improve school performance. In addition, IC 20-19-2-14 explains that "the state board shall do the following: (1) establish the educational goals for the state, developing standards and objectives for local school corporations; (2) assess the attainment of the established goals; (3) assure compliance with established standards and objectives; (4) coordinate with the commission for higher education (IC 21-18-1) and the department of workforce development (IC 22-4.1-2) to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force; (5) make recommendations to the governor and general assembly concerning the educational needs of the state, including financial needs; (6) provide for reviews to ensure the validity and reliability of the ISTEP program." The Board is not responsible for teacher licensing matters because IC 20-28-2-1 vests the Indiana Department of Education (IDOE) with "sole authority and responsibility for governing teacher education and teacher licensing matters, including professional development."

The Board is responsible for intervening in Indiana's lowest performing schools, and the Board may authorize the State to intervene in a school to improve a school's performance. One intervention the Board may prescribe is to assign an operator to manage and operate a school to improve school performance. As a result, IDOE enters into contracts with private entities that the Board approves.

In August 2011, the Board ordered the State to intervene in a number of chronically failing schools, which included three Indianapolis schools (the Turnaround Academies). The Board directed IDOE to contract with Charter Schools USA (CSUSA) to serve as the operator, and the Board voted to approve the requisite contracts to accomplish the intervention. Dr. Ernest was not a Board member at the time of the initial intervention, but Dr. Ernest did vote to reaffirm the intervention status of the Turnaround Academies at the April 15, 2016 Board meeting. During subsequent Board meetings, Dr. Ernest voted to approve the CSUSA contract extensions for the Turnaround Academies.

The Board is also responsible for determining the amounts of state tuition support that are necessary to fund the Turnaround Academies. Except as provided by IC 20-31-9.5-3(c), the manner or methodology by which the Board makes this determination is not otherwise prescribed. Thus, based on IDOE's recommendation, the state tuition support is calculated by utilizing the current child count as the child count multiplier. The Board votes to approve the state tuition support on a biannual basis. The Board, including Dr. Ernest, most recently voted to approve funding for the Turnaround Academies on June 7, 2017, and the Board will vote again in December.

NEI is a Delaware not-for-profit company that does business in Florida and other states across the country. NEI provides a wide range of services including leadership, curriculum, career-tech program development, classroom and grant management, data analysis, auditing/evaluation, eight step process implementation, and full school operations. NEI's mission statement states, "our mission is to create a collaborative group of professionals who will boldly rethink education, making success attainable for all students, while preparing the next generation to solve the challenges of tomorrow." NEI contracts with CSUSA to provide services as a subcontractor for CSUSA for its schools in seven states including Indiana. CSUSA is owned and operated by the spouse of NEI's owner; however, neither spouse has an ownership interest or a role in the management of the other spouse's business. Moreover, there is no parent-subsidiary relationship between CSUSA and NEI. NEI's main office is in Florida, but it maintains a regional office at one of the Turnaround Academies. Although NEI has other work bids circulating, its primary client is CSUSA, with NEI performing the majority of its work in CSUSA schools throughout the country.

NEI performs day-to-day operations for the Turnaround Academies that CSUSA operates. This includes providing students with instructional rigor, managing employees within the schools, and general budget oversight. Though NEI performs the day-to-day operations, CSUSA provides administrative, accounting, budgeting, purchasing, and financial support. Further, CSUSA maintains ultimate authority to accept or deny NEI recommendations regarding the operations of the Turnaround Academies.

Mr. Schultz explained that Dr. Ernest's potential responsibilities with NEI are not specific to the Turnaround Academies or Indiana. Instead, Dr. Ernest would be responsible for educator recruitment and professional development for NEI's nationwide operations. Dr. Ernest's leadership position would be limited to educator recruitment and professional development, and he would not have a management role regarding NEI as an organization. Further, he would not

be responsible for soliciting business on behalf of NEI. Mr. Schultz provided a more detailed job description for Dr. Ernest's potential position as part of his request.

On November 1, 2017, Mr. Shultz requested an informal advisory opinion on behalf of Dr. Ernest from the Indiana Office of Inspector General (OIG). The informal advisory opinion stated that Dr. Ernest should seek a Formal Advisory Opinion regarding the scope of the screen that would need to be implemented when any potential conflict of interests arose for Dr. Ernest under IC 4-2-6-9. Mr. Schultz provided a proposed screening process for the Commission's review prior to the meeting at which this request was considered.

The advisory opinion stated the following analysis:

Conflict of interests - decisions and votes

IC 4-2-6-9 prohibits Dr. Ernest, as a special state appointee, from participating in any decision or vote, or matter relating to that decision or vote, if he has knowledge that any of the following has a financial interest in the outcome of the matter:

- (1) Himself;
- (2) A member of his immediate family;
- (3) A business organization in which he is serving as an officer, a director, a member, a trustee, a partner, or an employee; or
- (4) Any person or organization with whom he is negotiating or has an arrangement concerning prospective employment.

“Financial interest” means an interest (a) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or (b) involving property or services. The term includes an interest arising from employment or prospective employment for which negotiations have begun.

Employment negotiations between Dr. Ernest and NEI have begun; therefore, Dr. Ernest is prohibited from participating in any matter related to a decision or vote in which NEI has a financial interest. Based on the information provided, NEI subcontracts with CSUSA, who has the contract that was approved by the Board, with IDOE to serve as an operator providing intervention services to a number of failing schools in the State. As part of their subcontract, NEI provides services to schools in Indiana, specifically in performing day-to-day operations for the Turnaround Academies that CSUSA operates. Therefore, decisions or votes that directly target the Turnaround Academies, CSUSA, or NEI and which impact NEI's financial interests would trigger this rule.

Accordingly, the Commission finds that Dr. Ernest would have a potential conflict of interests if he was to participate in decisions or votes, or matters related to such decisions and votes, that would directly affect NEI or CSUSA. IC 4-2-6-9(b) requires that an employee who identifies a potential conflict of interests notify their ethics officer and appointing authority and seek an advisory opinion from the Commission or file a written disclosure statement.

The Ethics Officer for SBOE and Dr. Ernest have requested this formal advisory opinion, and the Ethics Officer has proposed the following procedures to screen Dr. Ernest from all involvement in issues relating to CSUSA and NEI:

1. The Board's Ethics Officer shall monitor Dr. Ernest's involvement in any matter involving CSUSA or NEI to ensure that the screening procedures are followed.
2. If any matter regarding CSUSA, including CSUSA's current contract, is presented to the Board for a vote or decision, Dr. Ernest will recuse himself from the vote and discussion, as well as submit an "Ethics Disclosure Statement" to the OIG.
3. If any matter regarding NEI is presented to the Board for a vote or decision, Dr. Ernest will recuse himself from the vote and discussion, as well as submit an "Ethics Disclosure Statement" to the OIG.
4. Dr. Ernest will not be permitted access to any confidential information concerning CSUSA or NEI without the written approval of the Board's Ethics Officer.
5. Board staff will screen Dr. Ernest from any and all involvement in matters involving CSUSA and NEI; further Board staff refrain from any discussion in Dr. Ernest's presence that might be related to matters involving CSUSA or NEI.
6. The involvement of Dr. Ernest on the Board and employment with NEI shall not serve as an endorsement by the Board of NEI or CSUSA.
7. The Board's Ethics Officer will provide written notice to the OIG anytime the screening procedures are implemented.
8. These screening procedures shall remain in place for the duration of Dr. Ernest's employment with NEI and his service as a Board member.

The Commission finds that this proposed screen should be approved with some added conditions. These conditions are as follows:

1. Dr. Ernest shall notify his appointing authority, Indiana House Speaker Brian C. Bosma, of Dr. Ernest's employment opportunity with NEI and the Commission's formal advisory opinion;
2. Dr. Ernest and Mr. Schultz shall notify the members of the SBOE of Dr. Ernest's employment opportunity with NEI and the Commission's formal advisory opinion; and
3. As General Counsel and Ethics Officer for the SBOE, Timothy Schultz and his successors to the position shall make serious efforts to ensure the screening procedures submitted to and approved by the Commission remain in place and are observed and practiced as long as Dr. Ernest remains on the SBOE.

The Commission found that Dr. Ernest's and SBOE's strict adherence to the proposed screen and added conditions would prevent Dr. Ernest from having a conflict of interest under IC 4-2-6-9.

Commissioner Yost moved to approve the Commission's findings and Commissioner Jamison seconded the motion which passed (2-1).

V. Consideration of Post-Employment Waiver

**For James Lam, Environmental Manager
Presented by Kathleen Mills, Attorney/Ethics Officer
Bruno Pigott, Commissioner
Indiana Department of Environmental Management**

Attorney and Ethics Officer Kathleen Mills presented a post-employment waiver before the State Ethics Commission (Commission), on James Lam's behalf, requesting advice and permission for Mr. Lam to begin working at Patriot Engineering and Environmental (Patriot). Patriot is an environmental consulting firm with whom Mr. Lam had tentatively accepted a Project Geologist position with prior to coming before the Commission. Mr. Lam is a professional Geologist with over 20 years of environmental remediation experience, who has also worked for the Indiana Department of Environmental Management (IDEM) for approximately five years. During Mr. Lam's last year of employment with IDEM, he worked as a Project Manager in the Indiana Brownfield's Program, managed by the Indiana Finance Authority (IFA).

Prior to tentatively accepting the Project Geologist position with Patriot, Mr. Lam was in communication with Patriot, as it related to two POSI contract amendments. During the first POSI contract amendment, Mr. Lam provided technical specifications and site specific information, which was utilized in the request for proposal, sent to all 17 pre-approved vendors, including Patriot. During the second POSI contract amendment, Mr. Lam once again provided site specific information for insertion into the request for proposal, but also informed his supervisor that Patriot was in fact the lowest bidder. After both POSI contract amendments were made, Mr. Lam was assigned to be the Project Manager for both sites.

When questioned by Chairman Clevenger regarding why this matter was presented as a waiver instead of as a formal advisory opinion, Ms. Mills stated it was because she believed that the particular matter restrictions were an unnecessary topic of concern, as there would be little to no communication between Mr. Lam and the State. Chairman Clevenger and Commissioner Yost went on to question the group about whether Mr. Lam's actions, during the POSI contract amendments, were considered the administration of a contract and whether Mr. Lam was being rewarded because of same. Ms. Mills stated that Mr. Lam was not and has never been responsible for any decision-making regarding the awarding of any contracts nor any amendments thereto. Ms. Mills further explained that Mr. Lam's communications with Patriot were the type of communications that took place in the normal course of business. Chairman Clevenger then requested that the group elaborate on whether the POSI contract amendments were still active, and if so, what the status of the projects were. Ms. Mills stated that the first POSI contract amendment

project had already been completed, but that the second POSI contract amendment project had just began back in August of 2017. Based on the tentative acceptance of employment with Patriot, Mr. Lam immediately stopped working on the second POSI contract amendment project in September of 2017. After the Commission briefly discussed the matter further, Commissioner Jamison moved to approve the Commission's findings and Commissioner Yost seconded the motion, which passed (3-0).

VI. Consideration of Petition for Stay of Effectiveness

In the Matter of Leann Walton Case Number 2016-06-0124

Ethics Director, Jennifer Cooper, presented the Respondent's Petition for Stay of Effectiveness for the Commission's review and response. After being questioned by Chairman Clevenger regarding whether this type of petition was acknowledged in the Administrative Rules, Ms. Cooper stated that it was not and that the current processes and rules in place do not allow for, nor do they address, a Petition for Stay of Effectiveness, as the rules end with the issuance of the Final Report. Ms. Cooper stated that Steven Fulk, the Respondent's attorney, could appeal the Commission's decision via judicial review.

After a quick discussion, the Commission determined that such a petition did not exist, and that, because of same, they could not provide Mr. Fulk or the Respondent with an official Order. The Commission did, however, decide to provide the Respondent's Attorney, Steven Fulk, with an explanation, regarding why they reached the conclusion that they did.

Chairman Clevenger asked Staff Attorney Matthew Savage of the Office of Inspector General if he had anything to add regarding the Respondent's Petition for Stay of Effectiveness, to which Mr. Savage replied he did not. After another brief discussion, Commissioner Yost moved to approve the Commission's findings and Commissioner Jamison seconded the motion which passed (3-0).

VII. Director's Report

Ethics Director, Jennifer Cooper, stated that 76 informal advisory opinions had been issued since the last State Ethics Commission meeting held on September 14, 2017, mostly regarding post-employment restrictions and conflicts of interest. Ms. Cooper believed that the increase, from 53 informal advisory opinions to 76 informal advisory opinions, occurred because of the concurrent biannual online ethics training modules that all State employees and special state appointees were required to complete. Ms. Cooper stated that almost everyone who was required to complete the online ethics training modules did so in a timely manner.

Lastly, Ms. Cooper presented the Commission with the upcoming 2018 State Ethics Commission meeting dates. Chairman Clevenger immediately stated that he may have a scheduling conflict that would prevent his presence at the March 8, 2018 meeting, but that he would know more definitively as time moved closer to March.

VIII. Inspector General's Report

Inspector General Lori Torres stated that there were 91 informal advisory opinions completed in the third quarter, a slight decrease from the second quarter, wherein 101 informal advisory opinions were completed. Ms. Torres also stated that for the entire year 2016, there were 318 informal advisory opinions issued, while in 2017, so far, from quarter one through quarter three, there had been 269 informal advisory opinions issued. Per Ms. Torres, the average turnaround time for the Office of Inspector General to respond to an informal advisory opinion request is 1.2 days.

Ms. Torres then discussed the Office of Inspector General's investigations, stating that during the third quarter, the Office of Inspector General received 83 requests to investigate, as opposed to the 70 requests to investigate it received during the second quarter. Ms. Torres further stated that of the 83 requests to investigate, 18 new investigations were opened, and 15 of those are now closed and three have been presented before the Commission. Ms. Torres also stated that as of September 29, 2017, the Office of Inspector General had 33 active open investigations.

The next item discussed by Ms. Torres was the 2017 Legal & Ethics Conference. Ms. Torres explained how the new and shortened format of this annually occurring conference was able to reduce taxpayer costs by more than \$30,000.00, as it was strategically aimed at ethics officers and attorneys.

Lastly, Ms. Torres presented a Certificate of Appreciation to Commissioner Daryl Yost in honor of his seven years and five months as a Commissioner for the State Ethics Commission. She also presented a Certificate of Appreciation to Commissioner Robert Jamison for his eight years and seven months of service as a Commissioner.

IX. Adjournment

Commissioner Yost moved to adjourn the public meeting of the State Ethics Commission and Commissioner Jamison seconded the motion, which passed (3-0).

The public meeting adjourned at 11:17 a.m.