

**MINUTES OF THE MEETING OF  
THE INDIANA STATE ETHICS COMMISSION  
June 10, 2021**

**I. Call to Order**

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:00 a.m. The meeting was held virtually using Microsoft Teams. Commission members present were Katherine Noel, chair; Sue Anne Gilroy; Kenneth Todd, Corinne Finnerty; and Rafael Sanchez. Staff present included Tiffany Mulligan, Chief Legal Counsel, Office of Inspector General; Jennifer Cooper, State Ethics Director; Mark Mitchell, Director of Investigations, Office of Inspector General; Luba Gore, Staff Attorney, Office of Inspector General; Mark Mader, Staff Attorney, Office of Inspector General; Cindy Scruggs, Administrative Director, Office of Inspector General; Mike Lepper, Investigator, Office of Inspector General; and Nathan Baker, Legal Assistant, Office of Inspector General.

Others present were: Deana Smith, Ethics Officer, Indiana State Department of Health; Tammera Glickman, Deputy General Counsel, Indiana Department of Administration; Sylvia Watson, General Counsel and Ethics Officer, Indiana State Library; Rachel Russell, Ethics Officer, Department of Child Services; Ed Feigenbaum, Indiana Legislative Insight; Bruno Pigott, Commissioner, Indiana Department of Environmental Management; Alexander Van Gorp, Staff Attorney, Indiana Department of Health; Jessica Keyes, Ethics Officer, Family and Social Services Administration; Kathleen Mills, Ethics Office, Indiana Department of Environmental Management; Whitney Fritz, Staff Attorney, Department of Child Services; Mattheus Mitchel, Compliance and Ethics Specialist, Department of Revenue; Kristi Shute, Deputy General Counsel and Ethics Officer, Indiana Department of Homeland Security; Kim Rohr, Senior Environmental Manager, Indiana Department of Environmental Management; Lynnette Smith, Medical Surveyor, Indiana Department of Health; Veronica Watson, Community Programs Manager; Indiana Housing & Community Development Authority; Shane Hatchett, Chief of Staff, Indiana Department of Health; Kyleen Welling, Ethics Officer, Indiana Housing & Community Development Authority; Christine McDonald, Internal Affairs Officer, Department of Child Services; Holly Newell, Deputy General Counsel, Department of Workforce Development; Ted Cotterill, General Counsel, Management Performance Hub; Jerry Bonnet, Chief Counsel, Secretary of State; Jacob Sipe, Executive Director, Indiana Housing & Community Development Authority; and, Thomas Davies.

**II. Adoption of Agenda and Approval of Minutes**

Commissioner Sanchez moved to adopt the Agenda and Commissioner Gilroy seconded the motion which passed (5-0).

Commissioner Sanchez moved to approve the Minutes of the May 13, 2021 Commission Meeting and Commissioner Gilroy seconded the motion which passed (5-0).

**III. Consideration of Agency Limited Personal Use of State Property Policy  
Presented by Jerry Bonnet, General Counsel, Office of Indiana Secretary of State**

Jerry Bonnet, General Counsel for the Office of Indiana Secretary of State presented a Limited Use of State Property Policy to the Commission for approval.

After discussion, Commissioner Gilroy moved to approve the Limited Personal Use of State Property Policy and Commissioner Sanchez seconded the motion which passed (5-0).

**IV. Consideration of Waiver of Post-Employment Restrictions for Kimberly Rohr**

Bruno Pigott, Commissioner of the Indiana Department of Environmental Management; and Kathleen Mills, Ethics Officer of the Indiana Department of Environmental Management, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Sanchez moved to approve the Waiver, and Commissioner Gilroy seconded the motion which passed (5-0).

**V. Consideration of Waiver of Post-Employment Restrictions for Veronica Watson**

Jacob Sipe, Executive Director of the Indiana Housing and Community Development Authority; and Kyleen Welling, Chief Operating Officer & Chief of Staff of the Indiana Housing and Community Development Authority, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Finnerty moved to approve the Waiver, and Commissioner Sanchez seconded the motion which passed (5-0).

**VI. Consideration of Waiver of Post-Employment Restrictions for Lynette Smith**

Shane Hatchett, Chief of Staff of the Indiana State Department of Health; and Deana Smith, Ethics Officer of the Indiana State Department of Health, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Sanchez moved to approve the Waiver, and Commissioner Todd seconded the motion which passed (5-0).

**VII. Director's Report**

State Ethics Director, Jen Cooper, stated that OIG staff has issued 21 informal advisory opinions since the previous last meeting. The majority of these requests dealt with questions concerning

conflicts of interests, use of state property, ghost employment, outside employment, post-employment and gifts.

Director Cooper continued that this summer's Auditor & Investigator Conference is set for June 23<sup>rd</sup> and June 24<sup>th</sup>. It will be a virtual conference and will feature several presentations, including segments from Attorney General Todd Rokita and Auditor of State Tera Klutz.

### **VIII. Adjournment**

Commissioner Sanchez moved to adjourn the public meeting of the State Ethics Commission and Commissioner Gilroy seconded the motion, which passed (5-0).

The public meeting adjourned at 10:54 a.m.

**IC 4-2-6-11****Post-employment waiver**

As the Appointing Authority of the Indiana Department of Natural Resources, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Dale Gick in his/her post-employment with Commonwealth Engineers, Inc.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

Mr. Gick has been involved in all contracts involving Commonwealth Engineers, Inc. that involve DNR properties. Mr. Gick would be an asset for DNR in that his extensive knowledge of the projects can expedite projects and result in projects that meet DNR's expectations more efficiently.

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Mr. Gick's position as the Director of Engineering involved review and recommendations of contracts and payments with Commonwealth Engineers, Inc. Actual authority for contract approval lies with the Department of Administration, Division of Public Works.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Mr. Gick will serve as a project manager. His duties will include scheduling, budget oversight and assistance, and technical oversight and direction of assigned projects. He will be responsible for maintaining client satisfaction and growing work opportunities.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Commonwealth Engineers, Inc. is a valued consultant for DNR projects. Historically, they have performed consultant work for water, wastewater, and dam projects. Mr. Gick has extensive knowledge of DNR's assets including projects that would be viable for future work with Commonwealth Engineers, Inc. DNR would provide oversight of work performed by Mr. Gick through Commonwealth Engineers, Inc.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Mr. Gick has extensive knowledge of DNR's assets as well as the policies and procedures related to performing projects through DNR and IDOA. Mr. Gick's involvement in projects would be beneficial to DNR in that submittals and projects would be performed in accordance with current procedures thus savings DNR considerable time in training and review.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Gick has been employed by DNR for over 25.5 years. Denial of this request would result in substantial wage loss and opportunity for advancement for Mr. Gick. It is not viable for Mr. Gick to be without work for 365 days.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

Signature Daniel W. Bates DATE 6/29/21  
(Name of state officer or appointing authority)

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Signature Austin A. Parily DATE 6/29/21  
(Name of ethics officer)

D. Approval by State Ethics Commission

<b>FOR OFFICE USE ONLY</b>	
Approved by State Ethics Commission	
<hr/> Katherine Noel, Chair, State Ethics Commission	<hr/> Date

Mail to:

Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

OR

Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted with  
details regarding the presentation of this  
waiver to the State Ethics Commission.*



Eric Holcomb, Governor  
State of Indiana

*Office of General Counsel*  
402 W. WASHINGTON STREET, ROOM W451, MS27  
INDIANAPOLIS, IN 46204-2744

July 30, 2021

Ethics Commission  
Office of the Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, Indiana 46202  
Via Email: [info@ig.in.gov](mailto:info@ig.in.gov)

RE: Request for Formal Advisory Opinion for Dr. Dan Rusyniak

Dear Chairperson Noel and members of the Ethics Commission:

The Indiana Family and Social Services Administration (“FSSA”), on behalf of Dr. Dan Rusyniak, requests a Formal Advisory Opinion from the State Ethics Commission regarding application of the State Code of Ethics as to an outside employment opportunity. Dr. Rusyniak has appeared before the Ethics Commission previously regarding this same outside employment, which was found to not create a conflict of interests after careful consideration of the underlying facts (see 2018-FAO-017). Recently, Dr. Rusyniak was promoted to Secretary of FSSA, effective August 1, 2021, and out of an abundance of caution, due to his new role within the agency, Dr. Rusyniak is requesting an updated opinion regarding continued outside employment with Eskenazi Health.

Dr. Rusyniak was the Chief Medical Officer for FSSA from August 6, 2018, to July 30, 2021, and as of August 1, 2021, will be the Secretary of FSSA, replacing Dr. Jennifer Sullivan. Dr. Rusyniak has worked in the emergency department of Eskenazi Health during his time employed with FSSA, after seeking a formal advisory opinion as to this outside employment. Dr. Rusyniak wishes to continue this outside employment with Eskenazi Health after the shift to Secretary of FSSA. Dr. Rusyniak is also on temporary leave from the Indiana University School of Medicine, but he maintains a faculty position, and he would like to maintain that moving forward in his role as Secretary of FSSA.

On or about August 9, 2018, the Ethics Commission issued a formal opinion regarding Dr. Rusyniak’s request to participate in outside employment with Eskenazi Health and hold his faculty appointment at the Indiana University School of Medicine while on temporary leave as the Chief Medical officer of FSSA. Eskenazi Health partners with the Indiana University School of Medicine.





As Chief Medical Officer for FSSA, Dr. Rusyniak's duties included providing leadership to the medical directors in each FSSA division, and providing expertise and leadership to the agency, including policy advising and program planning. Dr. Rusyniak's role as Chief Medical Officer did not include any contract administration or rulemaking.

Dr. Rusyniak has been working a few evenings per month in the emergency department at Eskenazi Health. Dr. Rusyniak believes that it is important to continue to work in the emergency department to maintain skills through patient contact, which has aided him in his role as Chief Medical Officer and would continue to be a benefit in his role as Secretary. Eskenazi Health is a safety-net hospital, meaning that it provides health care and related services to the uninsured, Medicaid members, and other vulnerable populations, regardless of their ability to pay. Continuing to work shifts in the emergency department at Eskenazi Health would allow Dr. Rusyniak to have real world access to issues that are presented in the health care setting, which would be helpful in his role as FSSA Secretary in helping to address those same issues.

Dr. Rusyniak notes that there are not changes to his outside employment duties, but seeks a formal opinion regarding whether his change in roles with FSSA would impact his outside employment opportunities.

Dr. Rusyniak has and will continue to pay for his own licensing fees, and certifications. He has not and will not serve in a managerial or leadership role with Eskenazi Health or Indiana University Health Physicians ("IU Health Physicians"), his direct employer. Dr. Rusyniak is considered a supplemental employee and will be paid on an hourly basis by IU Health Physicians for his work at Eskenazi Health, rather than billing patients or insurance.

Eskenazi Health and IU Health Physicians are Indiana Medicaid enrolled Providers. Each have Indiana Health Coverage Program provider agreements with FSSA and receive Medicaid reimbursement. Eskenazi Health has approximately six (6) active contracts with FSSA, and the Division of Mental Health and Addiction ("DMHA") specifically. DMHA also certifies Eskenazi Health's community mental health center. IU Health Physicians is affiliated with Indiana University Health ("IU Health") and FSSA's divisions have approximately five (5) active contracts with Indiana University and associated entities. The contracts with Eskenazi Health and IU Health Physicians are at the division level, and the FSSA divisions have ownership of the contracts. Dr. Rusyniak will not sign or negotiate these contracts as Secretary. To avoid a potential conflict under IC 35-44.1-1-4, neither Eskenazi Health nor IU Health Physicians will use funds from contracts with FSSA to pay Dr. Rusyniak; however, his fees may be paid from general Medicaid funds.

Pursuant to IC 12-8-1.5-10.5, the office of the secretary [of FSSA] is designated as the single state agency for administration of the state Medicaid program under IC 12-15 and the office of the secretary shall develop and coordinate Medicaid policy for the state. Therefore, the Secretary may make decisions involving Medicaid providers; however, his decisions would apply broadly to Medicaid providers in general, and not Medicaid providers at Eskenazi Health or IU Health Physicians specifically. For example, if reimbursement rates were revised for Medicaid providers, they would apply to all relevant Medicaid providers. Additionally, while Eskenazi

Health or IU Health Physicians may have infrequent issues to address specifically with FSSA, there is little direct contact between these institutions and FSSA generally.

Should there be a situation whereby a decision would need to be made by Dr. Rusyniak in his role as Secretary related specifically and solely to Eskenazi Health or IU Health Physicians, Dr. Rusyniak understands and acknowledges that pursuant to IC 4-2-6-9, he will be screened from participating in any decision or vote, or matter relating to that decision or vote.

Dr. Rusyniak would also like to maintain his appointment with the Indiana University School of Medicine while he is employed with FSSA. Dr. Rusyniak has formerly taken a temporary leave of absence and has maintained his title and the full rights of a faculty member. He will not receive benefits or salary from the IU School of Medicine during this leave of absence, but he must continue to abide by the professional standards of the medical school to remain a faculty member in good standing. This leave of absence is renewed annually.

Dr. Rusyniak also understands the duty to maintain confidential information learned through his employment with the state and that he is prevented from divulging confidential information or allowing anyone, including but not limited to, Eskenazi Health and IU Health Physicians from benefiting from same.

Dr. Rusyniak further understands that he cannot use state time for outside employment with either Eskenazi Health or the medical school. Dr. Rusyniak plans to continue the emergency department shifts with Eskenazi Health during off work time such as evenings or weekends

The previous Secretary of FSSA, Dr. Sullivan, also sought a formal advisory opinion from the Ethics Commission for a similar situation where she worked shifts at Riley during her tenure with FSSA, and the Ethics Commission found in that instance, that there was not a conflict of interest after careful consideration of many factors (FAO 17-I-3). Dr. Rusyniak's situation is analogous in many ways to Dr. Sullivan's work at Riley.

Based on the information above, I would request a determination by the Ethics Commission regarding Dr. Rusyniak's outside employment opportunities with his changing role to Secretary of FSSA from Chief Medical Officer. Thank you for your consideration.

Sincerely,



Jessica Keyes  
FSSA Ethics Officer



# INDIANA

## DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR  
*Joe B. Hoage, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

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July 29, 2021

*Sent via email to [info@ig.in.gov](mailto:info@ig.in.gov)*

Indiana Ethics Commission  
Office of the Inspector General  
315 W. Ohio St., Rm. 104  
Indianapolis, Indiana 46202

**Re: Request for Formal Advisory Opinion for Cheryl Whitfield**

Dear members of the Indiana Ethics Commission:

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The Indiana Department of Labor (hereinafter “IDOL”), on behalf of Cheryl Whitfield, candidate for the position of Whistleblower/Intake Supervisor with IOSHA (hereinafter “Supervisor”), requests a formal advisory opinion from the Indiana Ethics Commission addressing whether it would be a conflict of interest for her under IC § 4-2-6-5.5 or IC § 4-2-9-6 to accept the Supervisor position with the IDOL and still maintain an interest in her business that is a professional services contractor specializing in Occupational Safety and Health Compliance Management and offers safety solutions to help workers follow company policies and standard operating procedures so that employers can comply with applicable safety and health codes.

Ms. Whitfield is the sole owner of a company called Code-Keepers, LLC. Code-Keepers was registered with the Indiana Secretary of State in June 2017 and currently has an Active status. Code-Keepers creates safety plans for companies based on OSHA requirements for Hazard Communication, Emergency Action Plan, Fire Safety, Exit Routes, Walking/Working Surfaces, Medical, and First Aid, Recordkeeping, and more. It provides safety solutions to employers with the goal of giving a company options rather than a cookie-cutter approach to safety. It created its menu of services to help a company’s management team recognize, correct, and control an unsafe work environment. It developed its Hazard Identification Inspection, Job Exposure Analysis, and Accident Assessment Report to help prevent injuries and illnesses, as well as reduce worker's comp costs. These services are similar to the services that the IDOL’s health and safety consultation division, INSafe, currently offers to Indiana employers free of charge; however, there should be no internal dealings between INSafe and the Supervisor position, so no conflict of interest is anticipated there. Currently Code-Keepers only has one client and has one company that it recently spoke with, but does not yet have a contract. Code-Keepers is an INDOT certified DBE/ACDBE and IDOA approved M/WBE and is registered on INDOT's and IDOA's Contractor/Vendor Listings for working with state-certified contractors and General Industry employers. It also has a website and social media pages.

The Supervisor position, among other things, requires the person to review complaints and referrals provided to the IDOL about potential health and safety hazards that are alleged to exist at places of employment across the state of Indiana. The Supervisor then makes a decision regarding the next step for the complaint or referral, including if an on-site inspection is to be assigned to an IOSHA compliance officer. The Supervisor also makes decisions regarding whether whistleblower complaints against employers across the state of Indiana meet the prima facie elements to warrant an investigation and ultimately if the complaint has merit. The Supervisor has other responsibilities that include supervising and training the IDOL intake staff, team lead, and whistleblower investigators as well as having a shared responsibility to assist in training new compliance officers.

The IDOL and Ms. Whitfield propose that screens would be put in place that would prevent Ms. Whitfield from having to make a decision in her Supervisor capacity regarding a client or prospective client of Code-Keepers. Ms. Whitfield has already provided the IDOL with a current client list and she agrees to update that list whenever Code-Keepers begins to establish a business relationship with a new client. Every employer that is reported to the IDOL as having a potential health and safety hazard or as a whistleblower complaint will be compared against Code-Keeper's client list. If a reported employer is not on the list, Ms. Whitfield will be able to execute her duties as usual. However, if a reported employer is on the list or is otherwise a client or potential client of Code-Keepers, the decisions to be made regarding those complaints or referrals will be routed through other IDOL personnel who are capable of making those decisions. Currently, Code-Keepers has one client compared to the thousands of potential employers across the state that could be reported to the IDOL. The probability that one of the reported employers would be a client or potential client of Code-Keepers is so low that Ms. Whitfield's recusal from such decisions is not so central or critical to the performance of her official duties that her ability to perform those duties would be materially impaired.

Ms. Whitfield also understands and agrees that she shall not use her IDOL position to secure unwarranted privileges or exemptions that are of substantial value and not properly available to similarly situated individuals outside of state government. Specifically, she shall not use information she obtains regarding reported employers to build a prospective client list for Code-Keepers or to contact the employers for any purpose other than for IDOL business in her capacity as Supervisor during IDOL work hours. She also understands and agrees that she shall not use her position as Supervisor with the IDOL in any way to obtain clients for Code-Keepers or to benefit the business in any way. This includes not mentioning or posting her position as Supervisor publicly so that clients or potential clients of Code-Keepers do not know she works for the IDOL. Finally, she understands and agrees to comply with the ghost employment, use of state property, and confidential information provisions of the Indiana Code of Ethics.

Letter to the Indiana Ethics Commission

Re: Request for Formal Advisory Opinion for Cheryl Whitfield

7/29/21, Page 3 of 3

Thank you for your consideration of this request for a formal advisory opinion on the issue regarding whether IC § 4-2-6-5.5 or IC § 4-2-6-9, even with the proposed screen or one recommended by the Ethics Commission in place, would prohibit Ms. Whitfield from working for the IDOL in the position of Supervisor while still maintaining an interest in her Code-Keepers business.

Sincerely,



J. Anthony Hardman  
General Counsel and Ethic Officer  
Indiana Department of Labor

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

INDIANA STATE ETHICS COMMISSION  
CASE NO: 2020-06-0183

IN RE THE MATTER OF PAUL SIPPLES,

*Respondent.*


**AGREED SETTLEMENT**

1. Respondent admits to the facts as alleged in the complaint filed herein by the Inspector General and admits to a violation of 42 IAC 1-5-13 of the Indiana Code of Ethics, the ghost employment rule. (See Ethics Complaint filed on May 17, 2021, attached hereto as Exhibit A.)
2. Respondent agrees to pay a fine in the amount of four hundred and twenty six dollars and thirty seven cents (\$426.37). The State Ethics Commission (Commission) will not impose any further penalties under Ind. Code § 4-2-6-12. Respondent shall make payment to the "Indiana State Ethics Commission" within sixty (60) days from the date that the Commission accepts this agreement.
3. The parties acknowledge that this agreement reflects the entire agreement between the parties, that approval of these terms by the Commission shall result in the final disposition of this proceeding, and that Respondent is waiving an alternative statutory right to a public hearing as provided in Ind. Code § 4-2-6-4 to contest the complaint.

Dated this 2nd of June, 2021

  
Paul Sipples, Respondent

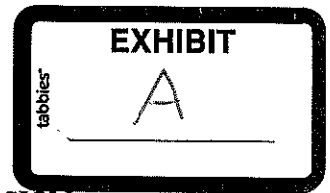
  
David Cook, Inspector General

  
Lyubov Gore  
Staff Attorney for Inspector General

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the State Ethics Commission in a public meeting by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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State Ethics Commission Chair



STATE OF INDIANA )  
 )  
COUNTY OF MARION )

) SS:  
)

INDIANA STATE ETHICS COMMISSION

CASE NO: 2020-06-0183

INDIANA  
STATE ETHICS COMMISSION

MAY 17 2021

FILED

IN RE THE MATTER OF PAUL SIPPLES,

*Respondent.*

**ETHICS COMPLAINT**

Comes now David Cook, Inspector General of the State of Indiana, by counsel, Lyubov Gore, and alleges and says that Paul Sipples, Respondent, has violated the Indiana Code of Ethics, as follows:

1. The Indiana Department of Natural Resources (DNR) is an executive branch agency pursuant to Ind. Code § 4-2-7-1(1).
2. Respondent, Paul Sipples, was an employee, as defined by Ind. Code § 4-2-7-1(3) and 40 IAC 2-1-4(h), of DNR at all times referenced herein and thus subject to the jurisdiction of the Inspector General and the Indiana State Ethics Commission.
3. DNR assigned Respondent to supervise employees as part of his official state duties as property manager for Versailles State Park.
4. The Indiana State Personnel Department (SPD) conducted an investigation, which revealed that, in 2018 and 2019, Respondent directed four of his supervisees to perform work for the Versailles Lion's Club (Club) during state-working hours.
5. The OIG interviewed Respondent and the four DNR employees who engaged in work other than their official state duties during state-working hours. The OIG identified four occasions during which Respondent and his supervisees were present outside of the Versailles State Park grounds performing work for the Club at Respondent's direction. This work included moving refrigerators at the Club, assisting the Club with



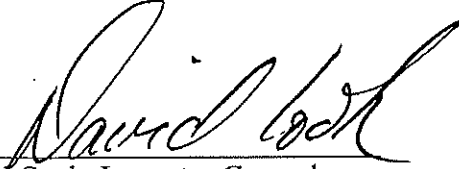
preparations for the Fall Festival at the Versailles County Courthouse and replacing an electrical outlet at the Club. On one occasion, Respondent directed his employees to decorate the Versailles State Park's Recreation Hall for a Christmas Party for his wife's employer. In total, Respondent and the DNR employees spent at least eleven hours engaging in work other than the performance of their official state duties during state-working hours. The evidence shows that the total loss to the state in wages paid to Respondent and the DNR employees is at least \$237.44.

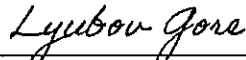
6. DNR terminated Respondent's employment on June 15, 2020, citing management issues, lack of professional judgment, treatment of subordinate staff and frequent stops to the Club as reasons for the termination.
7. 42 IAC 1-5-13 of the Indiana Code of Ethics (Code), the ghost employment rule, reads as follows, in relevant part: "A state . . . employee . . . shall not engage in, or direct others to engage in, work other than performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation."
8. DNR does not have a general written agency, departmental, or institutional policy or regulation regarding employees engaging in community volunteer work or working for not-for-profit organizations during state working hours.
9. Respondent violated 42 IAC 1-5-13 by engaging in and directing four DNR employees to engage in work other than their official state duties during state-working hours.

Wherefore, the Inspector General prays that the Indiana State Ethics Commission set this matter for hearing, find Respondent in violation of the Code of Ethics as stated herein, and impose an appropriate sanction.

Respectfully submitted,

DATED: 5-17-21

  
\_\_\_\_\_  
David Cook, Inspector General

  
\_\_\_\_\_  
Lyubov Gore, Attorney #31323-53  
Counsel for the Inspector General

Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
Telephone: (317) 232-3850  
Email: lgore1@ig.in.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Ethics Complaint" has been served upon Respondent by U.S. Mail at the address listed below, on this 17<sup>th</sup> day of May, 2021.

Paul Sipples  
14 Beach Grove Avenue  
Batesville, IN 47006

Lyubov Gore  
Lyubov Gore, Attorney #31323-53

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF MARION     )

INDIANA STATE ETHICS COMMISSION  
  
CASE NO: 2020-10-0310

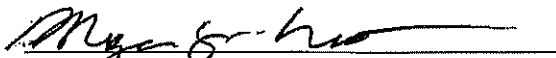
IN RE THE MATTER OF MEGAN ARSZMAN-WEISBRODT,

*Respondent.*


**AGREED SETTLEMENT**

1. Respondent admits to the facts as alleged in the Ethics Complaint filed herein by the Inspector General (OIG) and admits to a violation of 42 IAC 1-5-8, the additional compensation rule, and 42 IAC 1-5-5, the moonlighting rule of the Indiana Code of Ethics. (See Ethics Complaint filed on June 14, 2021, attached hereto as Exhibit A.)
2. Respondent agrees to pay a fine in the amount of one thousand nine hundred and fifty dollars (\$1,950.00). Respondent shall make payment to the "Indiana State Ethics Commission" within sixty (60) days from the date that the Commission accepts this agreement. The State Ethics Commission (Commission) will not impose any further penalties under Ind. Code § 4-2-6-12. So long as the Respondent timely complies with all terms contained herein, this Settlement Agreement acts as a full release of any and all claims (administrative, civil, or criminal) that either the OIG or Commission may have against the Respondent arising out of this matter, and the OIG and the Commission further agree not to recommend this matter to any prosecutor for criminal charges.
3. The parties acknowledge that this agreement reflects the entire agreement between the parties, that approval of these terms by the Commission shall result in the final disposition of this proceeding, and that Respondent is waiving an alternative statutory right to a public hearing as provided in Ind. Code § 4-2-6-4 to contest the complaint.

Dated this 16 of July, 2021

  
Megan Arszman-Weisbrodt, Respondent

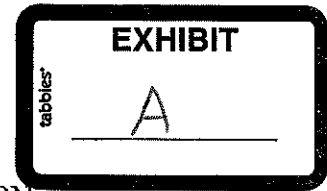
  
David Cook, Inspector General

  
Lyubov Gore  
Staff Attorney for Inspector General

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the State Ethics Commission in a public meeting by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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State Ethics Commission Chair



STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

INDIANA STATE ETHICS COMMISSION  
CASE NO: 2020-10-0310

IN RE THE MATTER OF MEGAN ARSZMAN-WEISBRODT,  
*Respondent.*

INDIANA  
STATE ETHICS COMMISSION  
JUN 14 2021  
**FILED**

**ETHICS COMPLAINT**

Comes now David Cook, Inspector General of the State of Indiana, by counsel, Lyubov Gore, and alleges and says that Megan Arszman-Weisbrodt, Respondent, has violated the Indiana Code of Ethics, as follows:

1. The Indiana Horse Racing Commission (IHRC) is an executive branch agency pursuant to Ind. Code § 4-2-7-1(1).
2. Respondent, Megan Arszman-Weisbrodt, was an employee, as defined by Ind. Code § 4-2-7-1(3) and 40 IAC 2-1-4(h), of IHRC at all times referenced herein and thus subject to the jurisdiction of the Inspector General and the Indiana State Ethics Commission.
3. IHRC hired Respondent in 2017 into the position of Communications Director.
4. The Office of Inspector General (OIG) conducted an investigation, which revealed that, at the time she was hired, Respondent was instructed that she could not engage in freelance writing for any entity associated with IHRC or any horse racing publications.
5. In June 2020, Respondent's supervisor approved her to write one article for Hoof Beats in her official capacity as a state employee. Respondent said she would not receive outside compensation for this article. The OIG obtained documentation that showed that Respondent received compensation of \$350.00 from the United States Trotting Association (USTA) for writing this article in the performance of her official duties.
6. Further, the OIG investigation revealed that Respondent wrote five additional articles

for Hoof Beats magazine and used her official IHRC title in the author's credit for each of the articles. USTA paid Respondent \$1,600.00 for writing these articles. Respondent was counseled against writing articles using her official title and against accepting compensation, but she continued to do so and was deceptive with IHRC about it.


7. The Indiana State Personnel Department (SPD) conducted a human resources (HR) investigation into Respondent's conduct. According to the HR investigation, Respondent persisted in writing additional articles and was deceptive with IHRC about it, causing IHRC leadership to lose trust in her credibility. On October 9, 2020, Respondent was permitted to resign from her position in order to avoid termination.
8. 42 IAC 1-5-8 of the Indiana Code of Ethics (Code), the additional compensation rule, reads as follows, in relevant part: "A state officer, employee, or special state appointee shall not solicit or accept compensation for the performance of official duties other than provided for by law."
9. Respondent violated 42 IAC 1-5-8 by accepting compensation from USTA for writing an article for Hoof Beats magazine as part of her official IHRC duties.
10. 42 IAC 1-5-5(a)(3) of the Indiana Code of Ethics (Code), the moonlighting rule, reads as follows, in relevant part: "A current state officer, employee, or special state appointee may not knowingly: . . . use or attempt to use the individual's official position to secure unwarranted privileges or exemptions that are: of substantial value; and not properly available to similarly situated individuals outside of state government . . . "
11. Respondent violated 42 IAC 1-5-5(a)(3) by using her official IHRC title in five Hoof Beats magazine articles to secure compensation for herself, which would not have been properly available to similarly situated individuals outside of state government.

Wherefore, the Inspector General prays that the Indiana State Ethics Commission set this matter for hearing, find Respondent in violation of the Code of Ethics as stated herein, and impose an appropriate sanction.

Respectfully submitted,

DATED: 6-14-21

  
\_\_\_\_\_  
David Cook, Inspector General

  
\_\_\_\_\_  
Lyubov Gore, Attorney #31323-53  
Counsel for the Inspector General

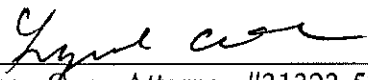
Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
Telephone: (317) 232-3850  
Email: lgore1@ig.in.gov



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Ethics Complaint" has been served upon Respondent by U.S. Mail at the address listed below, on this 14<sup>th</sup> day of June, 2021.

Megan Arszman-Weisbrodt  
4104 Elkhorn Way  
Westfield, IN 46062

  
\_\_\_\_\_  
Lyubov Gore, Attorney #31323-53

STATE OF INDIANA            )                   INDIANA STATE ETHICS COMMISSION  
                                      ) SS:  
COUNTY OF MARION        )

CASE NO: 2018-01-0019

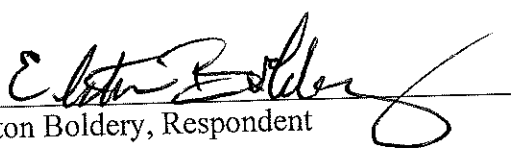
IN RE THE MATTER OF ELSTON BOLDERY,

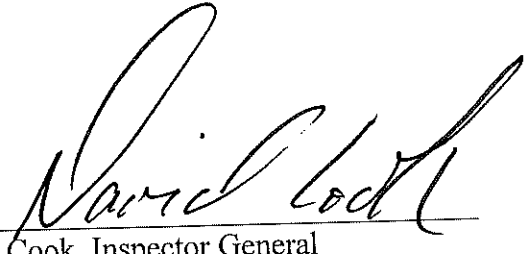
*Respondent.*

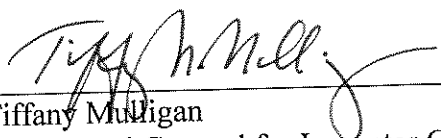
**AGREED SETTLEMENT**

1. Respondent admits to the facts as alleged in the complaint filed herein by the Inspector General and admits to a violation of Ind. Code § 4-2-6-17 of the Indiana Code of Ethics, misuse of state property rule. (See Ethics Complaint filed on May 13, 2021, attached hereto as Exhibit A.)
2. Respondent agrees that the State of Indiana will bar him from future state employment, and Respondent agrees to pay a fine in the amount of five hundred dollars (\$500.00). The State Ethics Commission (Commission) will not impose any further penalties under Ind. Code § 4-2-6-12. Respondent shall make payment to the "Indiana State Ethics Commission" within sixty (60) days from the date that the Commission accepts this agreement.
3. The parties acknowledge that this agreement reflects the entire agreement between the parties, that approval of these terms by the Commission shall result in the final disposition of this proceeding, and that Respondent is waiving an alternative statutory right to a public hearing as provided in Ind. Code § 4-2-6-4 to contest the complaint.

Dated this 17 of July, 2021

  
Elston Boldery, Respondent

  
David Cook, Inspector General

  
Tiffany Mulligan  
Chief Legal Counsel for Inspector General

*Admit to text*  
*EB*

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the State Ethics Commission in a public meeting by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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State Ethics Commission Chair



STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

INDIANA STATE ETHICS COMMISSION

CASE NO: 2018-01-0019

INDIANA STATE ETHICS COMMISSION

MAY 13 2021

FILED

IN RE THE MATTER OF ELSTON BOLDERY,

*Respondent.*

**ETHICS COMPLAINT**

Comes now David Cook, Inspector General of the State of Indiana, by counsel, Tiffany Mulligan, and alleges and says that Elston Boldery, Respondent, has violated the Indiana Code of Ethics, as follows:

1. The Indiana Department of Correction (IDOC) is an executive branch agency pursuant to Ind. Code § 4-2-7-1(1).
2. Respondent, Elston Boldery, was an employee, as defined by Ind. Code § 4-2-7-1(3) and 40 IAC 2-1-4(h), of IDOC at all times referenced herein and thus subject to the jurisdiction of the Inspector General and the Indiana State Ethics Commission.
3. IDOC has a Policy on Limited Personal Use of State Property/Resources (Policy), which the IDOC Commissioner signed on May 26, 2015, and the Indiana State Ethics Commission approved on June 11, 2015. It allows for limited, personal use of state property/resources; however, such use must be “infrequent, of short duration, and, unless not reasonably practical, made on the State employee’s or special State appointee’s personal time.” The Policy includes a policy statement, which reads “State employees and special state appointees occasionally need to use State property/resources for emergencies and other infrequent personal activities that cannot reasonably be handled away from work. These activities might include communicating with schools, child-care providers, physicians and others.”
4. IDOC assigned Respondent a state phone and state computer for purposes of

conducting IDOC business.

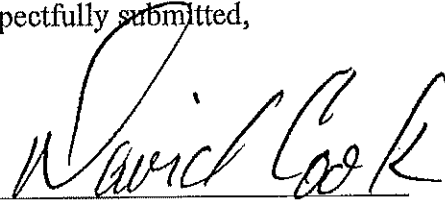
5. An IDOC investigation found that Respondent was downloading a large volume of images that were unrelated to his IDOC employment and sending sexually suggestive text messages on his state phone. The OIG reviewed hundreds of images that IDOC found on the Respondent's state-issued cell phone, which included family photographs, adult pornography, pictures of school-aged girls in bathing suits and sexually explicit text messages.
6. The Indiana State Police Cyber Crime Unit (ISP CCU) reviewed the Respondent's state-issued computer. ISP CCU found a series of images focused on women's breasts on the Respondent's state-issued computer. The OIG reviewed the photographs that ISP CCU recovered from the Respondent's laptop. The photographs depicted the top half of women, with the camera lens centered on the women's breasts and the women's faces entirely or partially cut out of the photographs.
7. The evidence shows that the Respondent used his state-issued cell phone and computer to download or create images that were not related to his state employment. The large volume of images does not comply with the Policy allowing IDOC employees to use state property for limited personal use that is "infrequent or of short duration." Furthermore, the contents of the images do not comply with the Policy's policy statement. The Respondent's use of his state-issued cell phone and computer to download pornography and pictures of school-aged girls and to send sexually explicit text messages was not an emergency or a personal activity that could not "reasonably be handled away from work."
8. Respondent resigned from state employment on January 27, 2018.

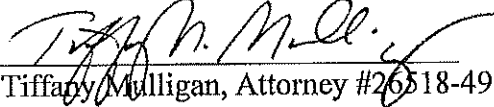
9. Respondent violated Ind. Code § 4-2-6-17 by using state property for purposes other than official state business, and IDOC's Policy on Limited Personal Use of State Property/Resources did not allow such use.

Wherefore, the Inspector General prays that the Indiana State Ethics Commission set this matter for hearing, find Respondent in violation of the Code of Ethics as stated herein, and impose an appropriate sanction.

DATED: 5-13-21

Respectfully submitted,

  
David Cook, Inspector General

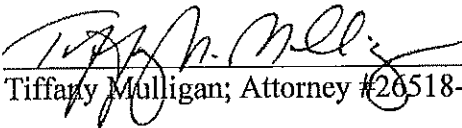
  
Tiffany Mulligan, Attorney #26518-49  
Counsel for the Inspector General

Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
Telephone: (317) 232-3850  
Email: Tmulligan@ig.in.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Ethics Complaint" has been served upon Respondent by U.S. Mail at the address listed below, on this 14<sup>th</sup> day of May, 2021.

Elston Boldery  
605 Walnut Street  
Madison, IN 47250

  
Tiffany Mulligan; Attorney #26518-49