

**MINUTES OF THE MEETING OF  
THE INDIANA STATE ETHICS COMMISSION  
December 8, 2022**

**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 were Katherine Noel, Chair; Corinne Finnerty, Rafael Sanchez, and John Krauss. Office of Inspector General staff present included Tiffany Mulligan, Chief of Staff and Chief Legal Counsel; Sean Gorman, State Ethics Director; Mark Mader, Staff Attorney; Doreen Clark, Staff Attorney; Mike Lepper, Special Agent; and Sam Stearley, Special Agent.

Others present were Jessica Keyes, Ethics Officer, Family and Social Services Administration; Beth Green, General Counsel and Ethics Officer, Indiana Department of Workforce Development; George Dremonas, Ethics Officer, Indiana Department of Financial Institutions; Christina Reagle, Commissioner, Indiana Department of Correction; Nikki Tafoya, Executive Director of Physical Health, Indiana Department of Correction; Alicia Coomer, Director of Physical Health, Indiana Department of Correction; and Anna Quick, Chief Legal Officer, Indiana Department of Correction.

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

Commissioner Krauss moved to adopt the agenda, and Commissioner Sanchez seconded the motion, and the Commission passed the agenda (4-0).

Commissioner Sanchez moved to approve the Minutes of the November 10, 2022, Commission Meeting, and Commissioner Krauss seconded the motion, which passed (4-0).

**III. Consideration of Waiver of Post-Employment Restrictions for Alicia Coomer**

Christina Reagle, Commissioner of the Indiana Department of Correction, 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 Krauss seconded the motion, which passed (4-0).

**IV. Consideration of Agreed Settlement**

In the Matter of Bridget Murphy  
Case Number 2020-02-0143  
Mark Mader, Staff Attorney  
Indiana Office of Inspector General

Mark Mader presented the proposed Agreed Settlement in this matter to the Commission for their approval.

Commission Chair Noel moved to approve the Agreed Settlement and Commissioner Sanchez seconded the motion which passed (4-0).

## **V. Ethics Director's Report**

State Ethics Director Sean Gorman reported that OIG has issued 15 IAOs since the November SEC meeting. The IAOs mostly dealt with Post-Employment, Outside Employment, Conflicts of Interest, and Gifts.

Director Gorman attended the annual Council on Governmental Ethics Laws' (COGEL) conference held in Montreal, Quebec from December 4 through 7. COGEL is a professional organization primarily for governmental agencies administering ethics oversight programs at the state, regional, and local levels in US government as well as internationally. Director Gorman reported that there were many different approaches to structure and jurisdiction represented, from organizations that dealt with limited jurisdictions within government and limited matters to those that, unlike Indiana's Ethics Commission, oversee election finance oversight programs and state and local governmental operations. Director Gorman provided examples of topics that were discussed, such as the practice that some states encourage of listing typical fine schedules for certain types of violations.

The 2022 Legal and Ethics Conference took place on November 15, 2022. Presentations (PowerPoint presentations) are now posted on OIG website. There was great turnout for the event, and OIG received positive feedback from attendees. It was also announced that Jessica Keyes was recognized with the Inspector General's award for excellence for her work this year in her role as FSSA ethics officer.

Preparations are under way for a series of Ethics Officer Roundtable events during the 2023 calendar year. The OIG is aiming for four events to provide an opportunity for agency ethics officers to discuss challenges, experiences, and questions in their roles. Director Gorman will be there to facilitate discussion, but the plan is to have the meeting topics be driven by the ethics officers themselves and to be able to take questions and feedback for the Office of Inspector General and the State Ethics Commission.

Finally, Director Gorman informed the Commission that OIG is pursuing legislation during the upcoming state General Assembly's legislative session to add OIG agents to an existing statute that provides a death benefit for state law enforcement officers who die in the line of duty. The OIG agent exclusion from the statute was likely an oversight. Director Gorman also provided that OIG staff will be monitoring the legislative session for any proposed bills that may impact OIG or SEC concerns.

**VI. Adjournment**

Commissioner Krauss moved to adjourn the public meeting of the State Ethics Commission. Commissioner Sanchez seconded the motion, which passed (4-0).

The public meeting adjourned at 10:32 a.m.

STATE OF INDIANA            )       INDIANA STATE ETHICS COMMISSION  
  )SS:  
COUNTY OF MARION        )       CASE: 2022-06-0168

IN RE THE MATTER OF COURTNEY CREASEY

FINAL REPORT OF THE INDIANA STATE ETHICS COMMISSION

Comes now the Ethics Commission for the State of Indiana (“Commission”), and hereby reports its findings of fact, conclusions of law, and sanctions in the above captioned matter.

FINDINGS OF FACT

1. Courtney Creasey (“Respondent”) and the Inspector General entered into an Agreed Settlement (“Agreement”), which was accepted by the Commission during their October 13, 2022 meeting.
2. Pursuant to the Agreement, Respondent, a former employee of the Indiana Department of Health (“IDOH”), admitted to a violation of the Indiana Code of Ethics; specifically, she admitted to a violation of Ind. Code § 4-2-6-11, the post-employment rule.
3. Pursuant to the Agreement, Respondent admitted that she violated Ind. Code § 4-2-6-11 by accepting employment with an employer for whom she made regulatory decisions as a state employee within the three hundred and sixty-five (365) day cooling off period following her separation from state employment.

CONCLUSIONS OF LAW

Said conduct, admitted and acknowledged by Respondent, constitutes a violation of Ind. Code § 4-2-6-11.

SANCTIONS

The Commission orders a letter of reprimand to be posted to and become part of Respondent’s State personnel file noting the violation and imposes a fine to be paid by Respondent in the amount of Five Hundred Dollars (\$500.00) to the “Indiana State Ethics Commission” within sixty (60) days from October 13, 2022, the date that the Commission approved the Agreement.

Approved on January 12, 2023.

\_\_\_\_\_  
Katherine J. Noel, Chair

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Corinne R. Finnerty, Commissioner

\_\_\_\_\_  
Sue Anne Gilroy, Commissioner

\_\_\_\_\_  
Rafael Sanchez, Commissioner

\_\_\_\_\_  
John L. Krauss, Commissioner

STATE OF INDIANA            )       INDIANA STATE ETHICS COMMISSION  
  )SS:  
COUNTY OF MARION        )       CASE: 2020-05-0143

IN RE THE MATTER OF BRIDGET S. MURPHY

FINAL REPORT OF THE INDIANA STATE ETHICS COMMISSION

Comes now the Ethics Commission for the State of Indiana (“Commission”), and hereby reports its findings of fact, conclusions of law, and sanctions in the above captioned matter.

FINDINGS OF FACT

1. Bridget S. Murphy (“Respondent”) and the Inspector General entered into an Agreed Settlement (“Agreement”), which was accepted by the Commission during their December 12, 2022 meeting.
2. Pursuant to the Agreement, Respondent, a former employee of the Indiana Department of Environmental Management (“IDEM”), admitted to two violations of the Indiana Code of Ethics; specifically, she admitted to violations of Ind. Code § 4-2-6-11, the post-employment rule.
3. Pursuant to the Agreement, Respondent admitted that she violated Ind. Code § 4-2-6-11 by representing and assisting persons after leaving state employment in two separate IDEM enforcement matters in which she personally and substantially participated as a state employee.

CONCLUSIONS OF LAW

Said conduct, admitted and acknowledged by Respondent, constitutes two violations of Ind. Code § 4-2-6-11.

SANCTIONS

The Commission bars Respondent from future state employment as an employee and imposes a fine to be paid by Respondent in the amount of Five Thousand Dollars (\$5000.00) to the “Indiana State Ethics Commission” within sixty (60) days from December 12, 2022, the date that the Commission approved the Agreement.

Approved on January 12, 2023.

\_\_\_\_\_  
Katherine J. Noel, Chair

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Corinne R. Finnerty, Commissioner

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Sue Anne Gilroy, Commissioner

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Rafael Sanchez, Commissioner

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John L. Krauss, Commissioner

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

INDIANA STATE ETHICS COMMISSION  
CASE NO: 2022-02-0030

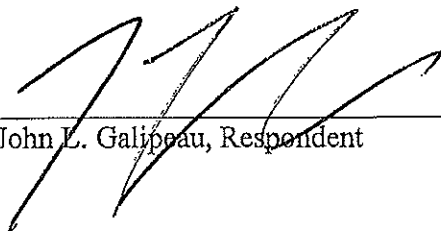
IN RE THE MATTER OF JOHN L. GALIPEAU,

*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, the Indiana Code of Ethics' misuse of state property rule. (See Ethics Complaint filed on November 12, 2022, attached hereto as Exhibit A.)
2. Respondent agrees to pay a fine in the amount of two thousand seven hundred and ninety dollars (\$2,790). 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 5<sup>th</sup> of December, 2022

  
\_\_\_\_\_  
John L. Galipeau, Respondent

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

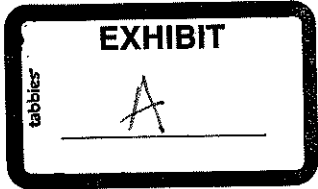
  
\_\_\_\_\_  
Tiffany Mulligan  
Chief Legal Counsel for Inspector General



Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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: 2022-02-0030

INDIANA  
STATE ETHICS COMMISSION

IN RE THE MATTER OF JOHN L. GALIPEAU,

NOV 10 2022

*Respondent.*

**ETHICS COMPLAINT**

Comes now David Cook, Inspector General of the State of Indiana, by **FILED** Counsel, Tiffany Mulligan, and alleges and says that John L. Galipeau, 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, John L. Galipeau, is currently an employee, as defined by Ind. Code § 4-2-7-1(3), and was an employee 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 entitled, The Assignment and Maintenance of State Residences (Policy), which became effective on May 1, 2017. It outlines the purpose and requirements for staff to lease and occupy state-owned residences on IDOC property. It allows staff to occupy these residences “only to promote the security and maintenance of a facility.” Furthermore, before occupying these residences, the Policy requires staff to sign a lease agreement, provide proof of renter’s insurance and submit necessary documents for collection of rent through biweekly payroll deductions.
4. In June of 2021, Respondent asked Kevin Orme, IDOC’s Director of Construction, for permission to move into the property known as the Warden’s Residence, located at 134 Circle Drive, Westville, Indiana 46391. Orme granted him verbal approval and instructed Respondent to submit the proper paperwork, including the payroll deduction

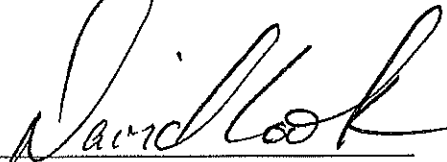
form, known as the AS-47.

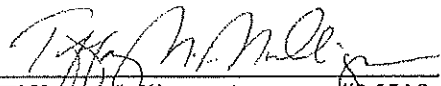
5. On August 20, 2021, Respondent sent Orme an email notifying him that he would be moving into the Warden's Residence for a few months and that he would complete the required lease, submit the AS-47 and provide homeowner's insurance for the period he was living in the Warden's Residence.
6. Respondent admitted to living in the Warden's Residence for thirty to forty-five days. He stated no one else lived in the Warden's Residence when he lived there.
7. Respondent admitted to allowing his wife to live in the Warden's Residence for an additional thirty to forty-five days. He stated that no one else lived in the Warden's Residence when his wife lived there.
8. Respondent admitted to allowing his adult son and granddaughter live in the Warden's Residence for an additional thirty days.
9. Respondent did not sign a lease until December 22, 2021, after Orme approached him about not having a lease and after Respondent, his wife and his adult son and granddaughter each lived in the Warden's Residence. He also did not submit the AS-47 for rent to be deducted from his paycheck during this time.
10. Respondent violated IDOC Policy because his use of the Warden's Residence was not to promote the security and maintenance of the facility and because he did not have a lease or AS-47 in place when he and his family lived at the Warden's Residence.
11. Thus, Respondent violated Ind. Code § 4-2-6-17 by using state property for purposes other than official state business, and IDOC's Policy 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.

Respectfully submitted,

DATED: 11/10/22

  
David Cook, Inspector General

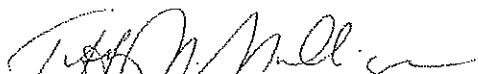
  
Tiffany Mulligan, Attorney #26518-49  
Counsel for the Inspector General

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 10<sup>th</sup> day of November, 2021.

John L. Galipeau  
402 Green Acres Drive  
Valparaiso, IN 46383

  
Tiffany Mulligan; Attorney #26518-49



Eric Holcomb, Governor  
State of Indiana

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

January 3, 2023

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 Maureen Weber

Dear Chairperson Noel and members of the Ethics Commission:

The Indiana Family and Social Services Administration (“FSSA”), on behalf of Maureen Weber, requests a Formal Advisory Opinion from the State Ethics Commission regarding a potential conflicts of interest matter. Ms. Weber is requesting a formal advisory opinion regarding a committee membership position she holds with FSSA and any potential conflicts of interest issues with her regular and outside employment.

Ms. Weber is employed with Early Learning Indiana, which is an organization designed to empower children with essential skills to be successful in kindergarten and beyond. Ms. Weber is the president and CEO of Early Learning Indiana (“ELI”) and is integral in their day-to-day operations. The general work of ELI includes being a provider of early learning services, with 11 centers throughout Indiana, and as an intermediary working with other Indiana providers to grow capacity and improve quality. Most of the work for Indiana is carried out through philanthropic funding, but as explained below, ELI also has state contracts and recently finished a grant initiative on behalf of FSSA.

ELI has contracts with FSSA, and it also operates the early learning facility in the Indiana Government Center North. At present, Early Learning Indiana has eight (8) contracts with FSSA through the Office of Early Childhood and Out of School Learning (OECOSL). Those contracts relate to providing childcare resource and referral for OECOSL throughout the state, including for central office. ELI also contracts with FSSA to assist in the provision of childcare for essential workers. And finally, ELI contracts with FSSA to provide childcare services as a Child Care and Development Fund (“CCDF”) Agreement center.

CCDF is a program administered by OECOSL with FSSA. The CCDF state plan outlines state and local parameters on early learning and child care, including program outcomes, systems



development, and eligibility requirements. CCDF provides child care subsidies for low income families who are working or attending an accredited/certified school or training program. Eligible families can select from eligible CCDF providers for high quality child care, and providers receive reimbursement through OECOSL using federal funds, based on the attendance of children in the program.

Ms. Weber also serves as the Chair of the Early Learning Advisory Committee (“ELAC”), which is an FSSA and OECOSL committee. The Early Learning Advisory Committee was created in 2013 by statute, and membership is Governor appointed, including members of the general assembly, members of OECOSL, the Department of Education, and Indiana Head Start. Goals of ELAC include, but are not limited to: Establish child developmental and educational goals for Indiana's early learning system, including the development of standards and objectives for early education programs that receive state or federal funds, design and maintain an approach to measuring progress for these goals and objectives, evaluate the efficacy of spending toward these goals and objectives, conduct needs assessments and workforce strategies, and annually, make recommendations to the Governor’s Office and Legislative Council on their work.

The role of ELAC is to provide standard definitions and recommendations for early learning and child care. Action is not taken by the board to implement programs or guide the child care community, but rather to provide information and set goals for those issues and pass along the findings of the committee. ELAC does not have funds to give to providers or otherwise (other than a per diem for members), but it can recommend that OECOSL/FSSA or other state funds be allotted to certain issues. Expenses for the committee’s work are provided by OECOSL pursuant to statute. ELAC recommendations are generally broad, and do not address a certain provider, but rather providers generally. The statute addressing ELAC requires the inclusion of a representative of an early childhood education provider (see I.C. 12-17.2-3.8-5).

After taking the recent Ethics Training for Special State Appointees as a board or committee member of FSSA, Ms. Weber reached out to FSSA’s ethics officer and ultimately for an Informal Advisory Opinion from the Office of the Inspector General (attached as Exhibit A) regarding her roles with ELI and ELAC and any potential concerns over conflicts.

As noted, the ELAC statute does require representation from an early childhood education provider (although Ms. Weber serves as the general public position). One of the goals of the committee is to have representatives who are in this field, which could assist in the making of recommendations. ELAC does not make recommendations on specific providers, but rather, makes broad recommendations regarding early learning and childcare to be passed on to the Governor’s office and the Legislative Council. Their work does not directly impact child care providers, but having providers on the committee can assist in determining matters for review, which if implemented, can impact providers broadly. ELAC does not review contracts, and Ms. Weber would recuse herself if an issue came up in the future related to ELI contracts.

Due to the contracts between ELI and FSSA, ELI being an intermediary for CCDF services, and funding for Ms. Weber’s ELI salary at least previously coming in part as an indirect rate from state funding, I would request a determination by the Ethics Commission regarding any ethical concerns with Ms. Weber’s role on ELAC as an FSSA committee and her work with ELI, as its

President and CEO. Ms. Weber is in the process of allocating state funds differently so that they do not go toward her ELI salary. Proposed drafts of disclosure documents for both decisions and voting and contracting are being included as Exhibits B and C as well for the review of the State Ethics Commission. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Keyes".

Jessica Keyes  
FSSA Ethics Officer



### 3ncrypt Ethics Informal Advisory Opinion; Weber; FSSA; Outside Employment

Gorman, Sean M <SGorman@ig.IN.gov>

Fri 12/2/2022 12:58 PM

To: Maureen Weber <maureenw@earlylearningindiana.org>

Maureen,

Thank you for contacting our office for confidential ethics advice and for providing additional information. We understand you are the recently appointed Chair of the Early Learning Advisory Committee (ELAC), which operates under the purview of the Family and Social Services Administration (FSSA).

You explain that ELAC is statutorily required to include early learning providers and is tasked with establishing goals for Indiana's early learning system, designing an approach to measuring progress, assessing the attainment of goals, evaluating the efficacy of the State's spending in this area, assessing the efficacy of early education licensure requirements, making recommendations about professional development systems, and completing periodic needs assessments.

You write that in your outside employment, you serve as President and CEO of Early Learning Indiana (ELI). You provide that ELI holds multiple state contracts, providing services on behalf of FSSA and serving as a coordinating office for FSSA's Child Care Resource and Referral Network. ELI also contracts with the Indiana Department of Administration (IDOA), operating the early learning facility located in the Indiana Government Center. You write that ELI recently concluded a large grant initiative on behalf of FSSA.

You explain that ELAC does not have decision-making authority over state contracts and that it does not have any role in contract review or administration; however, you provide that ELAC may formulate policy recommendations that could impact ELI.

You are seeking guidance regarding the Code of Ethics (Code) about any formal disclosures you should make, steps that you would need to take in any future State contracts involving ELI and what circumstances would require your recusal from ELAC votes.

Please note that we only provide prospective advice. Therefore, to the extent that any Code provision applies to conduct or activities that you have already undertaken, this informal advisory opinion only provides guidance going forward.

Your inquiry primarily invokes consideration of the following Code rules: IC 4-2-6-5.5 and IC 4-2-6-9, which are rules that pertain to conflicts of interests; and IC 4-2-6-6, 42 IAC 1-5-10 and 42 IAC 1-5-11, the confidentiality rules. We included all relevant rules and definitions at the end of this opinion for your reference.

#### **1. IC 4-2-6-5.5 – Outside Employment/Professional Activity**

The outside employment/professional activity rule prohibits special state appointees from:

1. accepting other employment that would involve compensation of substantial value if the responsibilities of that employment are inherently incompatible with the responsibilities of public office or would require them to recuse themselves from matters so central or critical to the performance of their official duties that their ability to perform them would be materially impaired;

2. accepting other employment or engaging in professional activity that would require them to disclose confidential information that was gained in the course of state employment; or
3. using their official position to secure unwarranted privileges or exemptions that are of substantial value and not properly available to similarly situated individuals outside state government.

In general, as a special state appointee, you may not accept other employment if it triggers any of the above listed matters. In regards to subsection (2), nothing in the information you provided indicates that your outside employment with ELI would require you to disclose confidential information; therefore, such outside employment will not violate this subsection. As to subsection (3), please be mindful that you may not use your official position with ELAC to secure unwarranted privileges or exemptions for ELI or anyone else that are not available to similarly situated business or individuals outside of state government.

Based on the information provided, it appears that subsection (1) may apply to your outside employment with ELI. ELI operates early learning centers and also works with early learning providers. In your role at ELAC, you would participate in establishing goals for Indiana's early learning system that will impact ELI and all similarly situated early learning providers.

Whether your employment with ELI would be inherently incompatible with the responsibilities of your role as ELAC's Chair is a matter best left to FSSA. As there is a likelihood that you would participate in making policy recommendations in your role with ELAC that could directly impact ELI, FSSA may consider implementing a screen to prohibit you from participating in matters having a significant impact on ELI's financial interests.

We typically recommend that special state appointees discuss outside employment with their agency's Ethics Officer. In this case, you have already consulted with FSSA's Ethics Officer, Jessica Keyes. Ms. Keyes would likely have provided you with information regarding any FSSA internal policies on outside employment with you.

Additionally, please note that only the State Ethics Commission (Commission) can provide conclusive proof that an outside employment/professional activity is not in conflict with a special state appointee's state duties. If you would like such a statement, you can find instructions for submitting a request for a formal advisory opinion from the Commission on our website: <http://www.in.gov/jg/2334.htm>. Ms. Keyes can assist you with a request for the Commission's formal advisory opinion. Please let us know if you have any further questions about the formal advisory opinion process.

## **2. IC 4-2-6-9 - Conflicts of Interests Related to Decisions and Votes**

In addition, you should be aware of IC 4-2-6-9, which pertains to conflicts of interests, decisions and voting. This rule prohibits you from participating in any decision or vote, or matter related to that decision or vote, if you have knowledge that various persons may have a financial interest in the outcome of the matter, including (1), the state employee him/herself; (2) an immediate family member; (3) a business organization in which the state employee is serving as an officer, director, member, trustee, partner or employee, or (4) an organization with whom the state employee is negotiating or has an arrangement concerning prospective employment.

The Code defines "financial interest" in IC 4-2-6-1(a)(11) to include "an interest in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or involving property or services." The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee. Please note that this prohibition extends beyond merely the decision or vote on the matter to encompass any participation in that decision or vote.

**As a result, you would be prohibited from participating in any decision or vote, or matter relating to a decision or vote, for ELAC in which ELI would have a financial interest that is greater than the interest of other early learning providers.**

Based on the information you provided, ELAC is charged with setting policies that will impact early learning providers, including ELI. So long as the decisions or votes you make that impact ELI in your role with ELAC apply to all early learning providers equally, ELI would not have a “financial interest” in such decisions or votes because ELI’s interest would not be greater than the interest of the general public or any state officer or employee. If ELI does not have a financial interest, you would not have a potential conflict of interests under IC 4-2-6-9 that would prohibit you from participating in such matters.

You may wish to review the Commission’s formal advisory opinion in [16-I-4](#) for additional guidance on this issue. In this opinion, the Commission advised the members of the Indiana Board of Depositories (BPD) that they could vote on financial assessments of public fund accounts in which their outside employers have a financial interest. The Commission determined that, because the votes on the assessments would apply to all banking institutions in the State, and no particular individual institution would have a financial interest in the outcome of the matter that was greater than that of the general public, a conflict of interests would not arise for the BPD members.

If you identify a potential conflict of interests, such as if you are asked to participate in a matter that would specifically impact ELI, please note that mere recusal from that matter is not enough. The rule also requires that you notify FSSA’s appointing authority and ethics officer in writing and either (1) seek a formal advisory opinion from the Commission or (2) file a written disclosure [form](#) with our office in accordance with IC 4-2-6-9’s notification requirements.

### **3. IC 4-2-6-10.5 – Conflicts of Interests Related to Contracts**

Pursuant to IC 4-2-6-10.5, a special state appointee may not knowingly have a financial interest in a contract made by any state agency. The Code defines “financial interest” to include an interest arising from employment. The Commission has interpreted this rule to apply when a state employee derives compensation from a contract between a state agency and a third party. In other words, if a state contract/grant funds any of your compensation received from ELI, the rule would prohibit you from accepting the compensation unless you can meet the requirements of the rule’s exception.

The rule’s exception provides that a special state appointee may have a financial interest in a contract made by a state agency so long as that special state appointee (1) does not participate in or have official contracting responsibility for the contracting agency and (2) files a [disclosure statement](#) with our office *prior* to the contract’s execution between the agency and third party.

You write that ELAC performs no role in contract review or administration; therefore, you can satisfy the first part of the exception’s requirement that you do not participate in or have official contracting responsibility for FSSA or IDOA. However, you also note that ELI’s contractual arrangements with the state pre-date your appointment to ELAC, which makes compliance with the second part of the exception impossible for those pre-existing contracts.

You provide that a portion of ELI’s indirect rate on a state contract is currently applied toward your compensation from ELI. You also write that ELI can allocate the indirect rate differently going forward. To ensure full compliance with this rule, we recommend you ensure ELI allocate the indirect rate differently so that your ELI compensation is not directly derived from a pre-existing state contract.

Although you are unable to fully meet the rule’s exception and ELI may modify the allocation of indirect rate on ELI’s state contract to avoid having you receive prohibited compensation from a state contract, we strongly encourage you to file a [disclosure statement](#) with our office under this rule, whether or not ELI reallocates the state contract’s indirect rate such that it no longer provides compensation to you.

Please feel free to contact our office or Ms. Keyes at any time if you have further questions regarding the application of this rule.

### **4. IC 4-2-6-6, 42 IAC 1-5-10 and 42 IAC 1-5-11- Confidential Information**

Finally, you should keep in mind the ethics rule pertaining to confidential information found at IC 4-2-6-6. IC 4-2-6-6 prohibits you 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. So long as any compensation you receive from ELI does not result from information of a confidential nature that you learned in your position with ELAC, your ELI work will not violate IC 4-2-6-6.

42 IAC 1-5-10 and 11 also would prohibit you from divulging, benefitting from or permitting any other person to benefit from, confidential information learned as a result of your position with ELAC. To the extent that you possess information of a confidential nature by virtue of your position at ELAC that could be used to benefit ELI or any person, you would need to ensure you comply with these rules.

Thank you again for submitting your question to our office. Please note that this response does not constitute an official advisory opinion. Only the Commission may issue an official advisory opinion. This informal advisory opinion allows us to give you quick, written advice. The Commission will consider that an employee or former employee acted in good faith if it is determined that the individual committed a violation after receiving advice and the alleged violation was directly related to the advice rendered. Also, remember that the advice given is based on the facts as we understand them. If this e-mail misstates facts in a material way, or omits important information, please bring those inaccuracies to our attention.

Sincerely,  
Sean Gorman  
Office of Inspector General

#### **IC 4-2-6-1 Definitions**

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

...

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

...

(11) "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. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

...

(12) "Information of a confidential nature" means information:

- (A) obtained by reason of the position or office held; and
- (B) which:
  - (i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);
  - (ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or
  - (iii) is not in a public record, but if it were, would be confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

**IC 4-2-6-5.5 Conflict of interest; advisory opinion by commission**

Sec. 5.5. (a) A current state officer, employee, or special state appointee may not knowingly do any of the following:

- (1) Accept other employment involving compensation of substantial value if the responsibilities of that employment are inherently incompatible with the responsibilities of public office or require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual's ability to perform those duties would be materially impaired.
- (2) Accept employment or engage in business or professional activity that would require the individual to disclose confidential information that was gained in the course of state employment.
- (3) Use or attempt to use the individual's official position to secure unwarranted privileges or exemptions that are:
  - (A) of substantial value; and
  - (B) not properly available to similarly situated individuals outside state government.

(b) A written advisory opinion issued by the commission stating that an individual's outside employment does not violate subsection (a)(1) or (a)(2) is conclusive proof that the individual's outside employment does not violate subsection (a)(1) or (a)(2).

**IC 4-2-6-9 Conflict of economic interests; commission advisory opinions; disclosure statement; written determinations**

Sec. 9. (a) A state officer, an employee, or a special state appointee may not participate in any decision or vote, or matter relating to that decision or vote, if the state officer, employee, or special state appointee has knowledge that any of the following has a financial interest in the outcome of the matter:

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

(b) A state officer, an employee, or a special state appointee who identifies a potential conflict of interest shall notify the person's appointing authority and ethics officer in writing and do either of the following:

- (1) Seek an advisory opinion from the commission by filing a written description detailing the nature and circumstances of the particular matter and making full disclosure of any related financial interest in the matter. The commission shall:
  - (A) with the approval of the appointing authority, assign the particular matter to another person and implement all necessary procedures to screen the state officer, employee, or special state appointee seeking an advisory opinion from involvement in the matter; or
  - (B) make a written determination that the interest is not so substantial that the commission considers it likely to affect the integrity of the services that the state expects from the state officer, employee, or special state appointee.
- (2) File a written disclosure statement with the commission that:
  - (A) details the conflict of interest;
  - (B) describes and affirms the implementation of a screen established by the ethics officer;
  - (C) is signed by both:
    - (i) the state officer, employee, or special state appointee who identifies the potential conflict of interest; and
    - (ii) the agency ethics officer;
  - (D) includes a copy of the disclosure provided to the appointing authority; and
  - (E) is filed not later than seven (7) days after the conduct that gives rise to the conflict.

A written disclosure filed under this subdivision shall be posted on the inspector general's Internet web site.

(c) A written determination under subsection (b)(1)(B) constitutes conclusive proof that it is not a violation for the state officer, employee, or special state appointee who sought an advisory opinion under

this section to participate in the particular matter. A written determination under subsection (b)(1)(B) shall be filed with the appointing authority.

#### **IC 4-2-6-10.5 State officers and employees; financial interest in contract made by agency; exceptions**

Sec. 10.5. (a) Subject to subsection (b), a state officer, an employee, or a special state appointee may not knowingly have a financial interest in a contract made by an agency.

(b) The prohibition in subsection (a) does not apply to a state officer, an employee, or a special state appointee who:

(1) does not participate in or have contracting responsibility for the contracting agency;  
and

(2) files a written statement with the inspector general before the state officer, employee, or special state appointee executes the contract with the state agency.

(c) A statement filed under subsection (b)(2) must include the following for each contract:

(1) An affirmation that the state officer, employee, or special state appointee does not participate in or have contracting responsibility for the contracting agency.

(2) An affirmation that the contract:

(A) was made after public notice and, if applicable, through competitive bidding; or

(B) was not subject to notice and bidding requirements and the basis for that conclusion.

(3) A statement making full disclosure of all related financial interests in the contract.

(4) A statement indicating that the contract can be performed without compromising the performance of the official duties and responsibilities of the state officer, employee, or special state appointee.

(5) In the case of a contract for professional services, an affirmation by the appointing authority of the contracting agency that no other state officer, employee, or special state appointee of that agency is available to perform those services as part of the regular duties of the state officer, employee, or special state appointee.

A state officer, employee, or special state appointee may file an amended statement upon discovery of additional information required to be reported.

(d) A state officer, employee, or special state appointee who:

(1) fails to file a statement required by rule or this section; or

(2) files a deficient statement;

before the contract start date is, upon a majority vote of the commission, subject to a civil penalty of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

#### **IC 4-2-6-6**

#### **Present or former state officers, employees, and special state appointees; compensation resulting from confidential information**

Sec. 6. No state officer or employee, former state officer or employee, special state appointee, or former special state appointee shall accept any compensation from any employment, transaction, or investment which was entered into or made as a result of material information of a confidential nature.

#### **42 IAC 1-5-10 Benefiting from confidential information**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 10. A state officer, employee, or special state appointee shall not benefit from, or permit any other person to benefit from, information of a confidential nature except as permitted or required by law.

#### **42 IAC 1-5-11 Divulging confidential information**

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 11. A state officer, employee, or special state appointee shall not divulge information of a confidential nature except as permitted by law.

Sean Gorman  
Indiana State Ethics Director  
Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
317-234-4108

[www.in.gov/ig](http://www.in.gov/ig)

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-----Original Message-----

From: Maureen Weber <[maureenw@earlylearningindiana.org](mailto:maureenw@earlylearningindiana.org)>  
Sent: Tuesday, November 29, 2022 11:55 AM  
To: Gorman, Sean M <[SGorman@ig.IN.gov](mailto:SGorman@ig.IN.gov)>  
Subject: RE: Form Submission - Advice

\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\* \_\_\_\_\_

Hi Sean -

Thanks so much for getting back to me so quickly!

The ELAC is tasked with establishing goals for Indiana's early learning system, designing an approach to measuring progress against the goals, assessing the attainment of goals, evaluating the efficacy of the state's spending in this area, assessing the efficacy of early education licensure requirements, making recommendations about professional development systems, and completing periodic needs assessments. ELAC has one staff member, who reports through FSSA, and has no other ability to effectuate recommendations.

By way of background, Early Learning Indiana is both a provider of early learning services (we operate 11 early learning centers in Marion and Tippecanoe Counties) and an intermediary working with providers throughout Indiana to grow capacity, improve quality, etc. Most of our statewide work is carried out with philanthropic funding, but we have a contract with FSSA to serve as a coordinating office for its Child Care Resource and Referral Network and we recently wrapped up a large grant initiative on behalf of FSSA.

Generally, I think the overlap between ELAC and ELI will occur in the direct service part of our work. ELI's centers would not, of course, be singled out in any way in these recommendations. Perhaps importantly, while I serve in a slot for the general public, the ELAC composition is statutorily required to include early learning providers.

ELAC does not have any role in contract review or administration.

A portion of ELI's indirect rate on our state contract is currently be applied to my compensation, but we can allocate the indirect rate differently going forward.

Please let me know what else you need.

Many thanks!  
Maureen

-----Original Message-----

From: Gorman, Sean M <[SGorman@ig.IN.gov](mailto:SGorman@ig.IN.gov)>  
Sent: Monday, November 28, 2022 3:10 PM  
To: Maureen Weber <[maureenw@earlylearningindiana.org](mailto:maureenw@earlylearningindiana.org)>  
Subject: FW: Form Submission - Advice

Hi Maureen,

First of all, congrats on your appointment! And thanks for reaching out for ethics guidance. I have a couple of questions that will help us provide precise advice for you in your situation.

Can you summarize the types of activities that ELAC might be involved in that could impact ELI? I know you mentioned policy recommendations that the Committee could potentially make, but is there anything else ELAC does that may impact ELI?

Does ELAC have any role in the contract review or administration of contracts that ELI holds or may bid on? If so, please explain the extent to which ELAC is/would be involved in the contract evaluation/selection/administration processes.

Is your compensation from ELI derived from any contract ELI maintains with FSSA or any other state agency?

That should get us started. Thank you in advance for your responses!

Sean

Sean Gorman  
Indiana State Ethics Director  
Office of the Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202  
317-234-4108

[www.in.gov/ig](http://www.in.gov/ig)

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FORM DETAILS



--

First Name: Maureen

Last Name: Weber

Email: [maureenw@earlylearningindiana.org](mailto:maureenw@earlylearningindiana.org)

Phone: (317) 363-2487

State Agency: Early Learning Advisory Committee

Description of Your State Occupation: Committee Chair

What is your ethics question? I was recently appointed Chair of the Early Learning Advisory Committee (which sits within the purview of the Family & Social Services Administration). In my outside employment, I serve as the President and CEO of Early Learning Indiana (ELI). ELI holds several state contracts, providing services on behalf of FSSA and also operating the early learning facility located in the State Government Center on behalf of IDOA. The Early Learning Advisory Committee doesn't have decision-making authority over State contracts, though the Committee may make policy recommendations that will impact ELI and all similarly-situated early learning providers. ELI's relationships with the State long pre-date my Committee appointment. I just completed the mandatory training and connected with FSSA's ethics officer, who suggested I reach out to you. I would like to seek your informal counsel about any formal disclosures that I should make and the steps I need to take in any future State contracts, and to ensure that I have clarity about the circumstances under which I should recuse myself from Committee votes. Many thanks for your assistance!

# EXHIBIT B



## ETHICS DISCLOSURE STATEMENT CONFLICTS OF INTEREST – DECISIONS AND VOTING

State Form 55860 (R / 10-15)  
OFFICE OF THE INSPECTOR GENERAL  
IC 4-2-6-9

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name ( <i>last</i> ) Weber	Name ( <i>first</i> ) Maureen	Name ( <i>middle</i> ) E
Name of office or agency Early Learning Advisory Committee	Job title Chair	
Address of office ( <i>number and street</i> ) 402 W. Washington Street, Suite W361	City Indianapolis	ZIP code 46220
Office telephone number ( 877 ) 511-1144	Office e-mail address ( <i>required</i> ) maureenw@earlylearningindiana.org	

Describe the conflict of interest:

I serve as the President and Chief Executive Officer of Early Learning Indiana. Among other duties, Early Learning Indiana operates a network of early learning centers throughout Indiana that are regulated by the Family and Social Services Administration.

The Early Learning Advisory Committee may make recommendations from time to time that relate to the operation of all licensed early learning providers throughout Indiana. The Early Learning Advisory Committee recommendations do not take force and effect unless acted on by some other governing body.

From time to time, Early Learning Indiana is contracted to carry out various activities on behalf of the State of Indiana. The Early Learning Advisory Committee's recommendations could include such activities that result in contractual opportunities. Early Learning Indiana cannot be engaged to carry out such activities without the direction and approval of some other governing body, such as the Family and Social Services Administration or the Indiana Department of Education.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

FSSA will implement a screen that will prohibit Ms. Weber participating in any vote, decision, or matter relating to any vote or decision in her role on the Early Advisory Learning Committee, involving or related to Early Learning Indiana specifically (and not all providers generally). Ms. Weber will be screened from any issues whereby Early Learning Indiana would have a financial interest separate from all other providers generally.

**AFFIRMATION**

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed *(month, day, year)*

Printed full name of state officer, employee or special state appointee

**FOR ETHICS OFFICER USE ONLY**

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Date signed *(month, day, year)*

Printed full name of ethics officer

# EXHIBIT C



**CONFLICTS OF INTEREST – CONTRACTS  
ETHICS DISCLOSURE STATEMENT**  
State Form 53345 (R2 / 6-15)  
OFFICE OF THE INSPECTOR GENERAL  
IC 4-2-6-10.5

Mail to:  
**OFFICE OF INSPECTOR GENERAL**  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202  
Telephone: (317) 232-3850  
E-mail scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

Check if you are making a correction to a previously filed statement.

A state officer, employee, or special state appointee may not knowingly have a financial interest in a contract made by an agency. The term financial interest is defined in IC 4-2-6-1. This prohibition, however, does not apply to an officer, employee, or special state appointee who (1) does not participate in or have contracting responsibility for the contracting agency and (2) meets the criteria in IC 4-2-6-10.5(b)(2) and (c)(1)-(5). One criterion is that the officer, employee, or special state appointee must file a written statement with the Inspector General before the officer, employee, or special state appointee executes the contract with the state agency.

The foregoing consists only of excerpts from IC 4-2-6-10.5. Care should be taken to review IC 4-2-6-10.5 in its entirety to ensure compliance with all criteria set forth in the statute. This disclosure will be posted on the Inspector General's website.

**PART 1 – GENERAL INFORMATION**

Last name Weber	First name Maureen	Middle initial E
Address of office (number and street, city, state, and ZIP code) 402 W. Washington, Suite W-362		
Title or position within agency Chair	Name of agency Early Learning Advisory Committee/Family & Social Services Admin	

**PART 2 – CONTRACT**

List the name for each entity (i.e. vendor, contractor, consultant, subcontractor, or subconsultant) in which you have a financial interest that has a contract with a state agency. Also, list the name of the state agency the entity is contracting with (use a different form for each contract).

Business name of entity Early Learning Indiana	Name of entity contact person (first name and last name) Jonathan Dille
---	--

This contract was (check one):

- made after public notice and, if applicable, through competitive bidding; or  
 not subject to notice and bidding requirements

If the contract was not subject to notice and bidding requirements, please provide the basis for that conclusion here.

The grant agreement was initially executed between the State of Indiana and Early Learning Indiana in March of 2016, prior to my employment with the organization, and has subsequently been extended. The Executive Document Summary identifies the justification for vendor selection as follows: 42 U.S.C. et seq. of the CCDF Act requires that a state shall use not less than 4% of the amount of such funds for activities designed to improve the quality and availability of childcare resource and referral services. In addition, state rule requirements for child care providers are supported activities. In addition, child care state law and code requirements are supported by these grant activities. The grantee was selected based on their program expertise, ability to deliver required grant activities and affiliations with state and national child care resource and referral networks.

Description(s) of Contract(s): (Describe the type of contract involved and the effective date and term of the contract if reasonably determinable.)

Since 2016, ELI has served as the coordinating organization for Indiana's Child Care Resource and Referral Network. ELI's current grant became effective 10/2018, prior to my appointment, and remains in effect through 9/2023. ELI also carried out a covid-relief program, the Build, Learn, Grow scholarship program, on behalf of the State. This agreement was in effect between 4/2021 and 3/2023, but all work is substantially complete and no further funds will be drawn.

Description of the Financial Interest: *(Describe in what manner the state officer, employee, or special state appointee expects to derive a financial interest from or otherwise has a pecuniary interest in, the above contract. State the approximate dollar value of the interest if reasonably determinable. Attach extra pages if additional space is needed.)*

I serve as President & Chief Executive Officer of Early Learning Indiana. Prior to my appointment to the Early Learning Advisory Committee, a portion of my compensation was derived from an indirect rate under the Child Care Resource and Referral grant agreement. All post-appointment compensation has been reallocated to other funding sources. No portion of my compensation and benefits are currently or will be paid from proceeds from this grant.

**ONLY COMPLETE PART 3 IF CONTRACT IS FOR PROFESSIONAL SERVICES**

**PART 3 – AGENCY CERTIFICATION**

Approval of appointing authority

Being the \_\_\_\_\_ of \_\_\_\_\_  
*(Title of Appointing Authority) (Name of Contracting Agency)*

I hereby affirm that no other state officer, employee, or special state appointee of \_\_\_\_\_  
*(Name of the Contracting Agency)*

is available to perform those services as part of the regular duties of the state officer, employee, or special state appointee.

Signature of Appointing Authority

Date signed *(month, day, year)*

Name of Appointing Authority

**PART 4 – AFFIRMATION**

I submit this statement to the Inspector General pursuant to 42 IAC 1-5-7 (IC 4-2-6-10.5) to disclose my financial interest in a contract with an agency. This contract can be performed without compromising the performance of my official duties and responsibilities as a state officer, employee or special state appointee. I affirm that I do not participate in or have contracting responsibility for the contracting agency. I further affirm that the contract was made after public notice or competitive bidding, if applicable. I also affirm, under penalty of perjury, the truth and completeness of the statements made above and that I am the above named state officer, employee, or special state appointee.

Signature

*Mann Weber*

Date signed *(month, day, year)*

12/21/2022