

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
June 13, 2024**

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; John Krauss; Sue Anne Gilroy; and Rafael Sanchez. Office of Inspector General (OIG) staff present included David Cook, Inspector General; Tiffany Mulligan, Chief of Staff, Chief Legal Counsel, and Interim State Ethics Director; Doreen Clark, Staff Attorney; Mike Lepper, Special Agent; Jason Fajt, Special Agent; and Nathan Baker, Legal Assistant.

Others present were Mattheus Mitchell, Compliance and Ethics Specialist, Indiana Department of Revenue; Amber Ying, Ethics Officer, Indiana Department of Revenue; Jennifer Thuma, General Counsel, Office of Indiana State Comptroller; Amie Durfee, Deputy General Counsel, Indiana Department of Workforce Development; Bill Anthony, Deputy Attorney General; Office of Attorney General; and Matthew Gerber, Ethics Officer, Family and Social Services Administration. The Department of Revenue also had the following interns in attendance: Dylan Shalt; Bryce Hull; Kyle Carlson; Reese Langhome; Alexander Sall; Justin Cerbone; and Steven Stead.

II. Adoption of Agenda and Approval of Minutes

Commissioner Krauss moved to adopt the agenda. Commissioner Gilroy seconded the motion, and the Commission passed the agenda (5-0).

Commissioner Sanchez moved to approve the Minutes of the April 11, 2024, Commission Meeting, and Commissioner Krauss seconded the motion, which passed (5-0).

III. Consideration of Agreed Settlement

In the Matter of Zachary Eugene Rutherford
Case Number 2023-11-0432

Inspector General David Cook and Special Agent Jason Fajt presented the proposed Agreed Settlement in this matter to the Commission for their approval.

Commissioner Krauss moved to approve the Agreed Settlement, and Commissioner Gilroy seconded the motion, which passed (5-0).

IV. Consideration of Final Report

In the Matter of Loretta Lewis
Case Number 2023-08-0276

Interim State Ethics Director Tiffany Mulligan presented the Final Report regarding the Agreed Settlement in the Matter of Loretta Lewis for final approval. Commissioners present at the meeting signed the Final Report.

V. Rulemaking Report

Tiffany Mulligan, OIG Chief of Staff and Chief Legal Counsel, provided the following information to the Commission:

We recently learned that the State Budget Agency (SBA) interprets House Enrolled Act (HEA) 1623, a new statute that was passed in 2023, as requiring any agency that assesses fines or civil penalties that are not set forth in statute with a specific sum to present a rule to the State Budget Committee by June 30, 2024, and then enact the rule by June 30, 2025.

The State Ethics Commission can issue civil penalties under two statutes:

- IC 4-2-6-12(1) – the penalty for violation of the Code of Ethics cannot exceed three times the value of any benefit received.
- IC 4-2-6-8(c) - a person who fails to file a financial disclosure statement as required by the rule is subject to a civil penalty of up to \$10 per day, not to exceed \$1000 per year.

SBA informed us that because these statutes set out a maximum rather than a specific amount, we need to prepare a rule and go before the State Budget Committee to present the rule. I presented our proposal to the State Budget Committee on Monday, June 10, 2024. Our proposal is to promulgate rules to set out mitigating and aggravating factors when the Commission issues civil penalties.

The mitigating factors include the following:

- (1) The respondent's admittance of the offense.
- (2) Cooperation with the inspector general's investigation of the offense.
- (3) The respondent's history of compliance.
- (4) The respondent's good faith efforts to receive and follow advice of the Office of the Inspector General, counsel or the agency's ethics officer.

- (5) Remedial or corrective action taken by the respondent.
- (6) Remedial or corrective action taken by the agency against the respondent.
- (7) Relative lack of seriousness of the violation compared to other violations.
- (8) Lack of material harm to the state because of the violation; or
- (9) Material hardship to the respondent or their family from the penalty.

The aggravating factors include the following:

- (1) Failure to cooperate with the inspector general's investigation of the offense.
- (2) The respondent's willful or intentional misconduct.
- (3) Duration and frequency of the offense.
- (4) History of similar or other offenses committed by the respondent.
- (5) Failure to follow an informal advisory opinion obtained from the inspector general or advice of the agency ethics officer.
- (6) Financial harm to the state because of the violation.
- (7) Financial gain or benefit to the respondent because of the violation; or
- (8) Whether the offense negatively impacts the integrity or public trust of the state or a state agency.

I received no questions from the State Budget Committee, and our proposal is moving forward.

Our next step is to promulgate rules, which is a long (close to a year), detailed process. We will provide you with regular updates on the rulemaking process and submit the rule to you for approval as we get farther along in the process.

VI. Interim State Ethics Director's Report

Interim State Ethics Director Tiffany Mulligan provided the following information to the State Ethics Commission:

The OIG has issued 20 Informal Advisory Opinions (IAOs) since the April Ethics Commission meeting, mostly relating to issues on post-employment, conflicts of interests, and the gifts rule. We expect an uptick in IAO requests with the transition of the state administration, plus a roll-out of the online Ethics Training in the fall.

The OIG has been busy with outreach activities. On Monday June 10th, I presented at the Office of Administrative Law Proceedings ALJ conference, talking about the ethics rules. Next week, representatives from OIG will do a post-employment presentation for the Office of the Governor and Office of Lt. Governor, with the upcoming administration transition in mind. Staff Attorney

Doreen Clark will present to DCS supervisors in OIG's ongoing work with DCS regarding falsification of records and other issues OIG investigates regarding DCS. Also, OIG will present to incoming Indiana State Police Troopers in early July.

The OIG's annual Auditors and Investigators Conference is set for June 20, 2024, from 1:00 to 4:30 p.m. in the Auditorium at the Indiana Government Center, South. Online registration is open, and we have already received over 200 RSVPs. The Commission members are, as always, invited to attend. The lineup includes a presentation from representatives from several Federal Offices of Inspectors General, the State Board of Accounts will discuss internal controls, and an investigator from the Indiana Gaming Commission will also be presenting.

Finally, the OIG has some staffing changes to report. The previous State Ethics Director, Sean Gorman, has moved to a position in the Federal Government since the previous Commission meeting. At this time, we are hiring a new State Ethics Director. Unfortunately, we cannot announce who that will be as the hiring process is not yet complete. We should be able to announce the new Ethics Director at the next meeting.

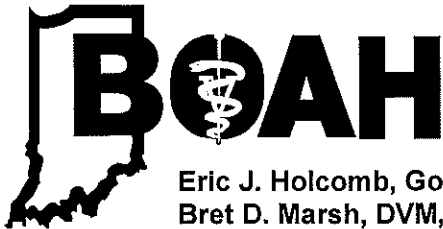
Also regarding staffing, OIG has a new Special Agent starting on June 24th. Mark Day has an extensive background in law enforcement, including some experience in some Federal OIG offices, and we are excited to have the opportunity to utilize that experience with our already very experienced investigative staff.

We also have a new Staff Attorney coming on board on June 24th. Elaine Vullmahn has experience with ethics and compliance in private companies. She is also a certified fraud examiner, which should bring some unique and invaluable experience to our office.

VII. Adjournment

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

The public meeting adjourned at 10:20 a.m.



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

Office of the State Veterinarian
Discovery Hall, Suite 100
1202 East 38th Street
Indianapolis, IN 46205-2898
Phone: 317/544-2400

Received

JUN 21 2024

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

Indiana Office
of Inspector General

As the Appointing Authority of the Indiana State Board of Animal Health, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Larry Reed in his post-employment with Butcher Bobs meat plant.

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):

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:

The Indiana State Board of Animal Health (BOAH) operates the State's meat and poultry inspection program. Meat slaughtering and processing establishments must apply for and receive a grant of inspection service from BOAH to produce and sell meat and poultry products in commerce. BOAH employs meat inspectors to conduct inspections of slaughtering and processing activities at meat plants to determine compliance with state and federal food safety rules. A meat inspector is trained to recognize potential food safety issues and is authorized to write notices of violations when problems are noted. An inspector may detain animals with potential issues, but the final determination of fitness to enter the food supply is by a BOAH veterinarian.

Larry Reed has worked for BOAH as a meat inspector for three years. Larry would like to leave state employment to work for Butcher Bobs as a part owner of the business. Butcher Bobs is a meat plant that in Larry's inspection area. Larry has completed BOAH inspections at Butcher Bobs.

Larry's position as a meat inspector implements rules and policy but he has no authority to create rules or policy.

Larry has no authority to negotiate or administer any contracts as a meat inspector. BOAH has no contracts with Butcher Bobs.

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

Larry Reed's prospective position with Butcher Bob's would be as an owner / manager as he is purchasing a portion of the business. While working in the plant, he could be involved with any task associated with Butcher Bobs business operations, including slaughtering animals and processing meat products.

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:

Larry's position with Butcher Bobs will involve business operations, including slaughtering animals and the processing and sale of meat products. BOAH will continue to inspect Butcher Bobs meat production processes from a food safety perspective. BOAH's inspections include evaluating cleanliness and inspecting carcasses for contamination. Currently BOAH is in the Butcher Bobs facility between 2 to 4 days each week, the frequency is determined by BOAH based on the operations conducted at the plant. BOAH employees will interact with plant employees and management when addressing regulatory issues.

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:

During his term at BOAH Larry has received extensive training in food safety concepts, rules and policies. The knowledge and skills Larry obtained during his training and experience at BOAH could benefit Butcher Bobs by helping the business comply with food safety requirements and avoid or appropriately

address food safety issues. Having personnel in meat plants with food safety knowledge and skills reduces the risk of food safety issues which benefits consumers. This is all consistent with BOAH's food safety mission.

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

Without a waiver, Mr. Reed will be severely limited in his ability to resume work in his trade in Indiana other than continuing to work for the State Board of Animal Health. He is unable to wait 365 days after leaving BOAH because he has a family to support and would be unable to pay for basic living necessities for such an extended period of time. Perhaps he could find work in another field for 365 days, but his experience and training and therefore best prospects for employment are in the meat business.

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.

Bret D. Marsh, DVM
Signature

Digitally signed by Bret D. Marsh, DVM
Date: 2024.06.20 07:58:56 -04'00'

Bret D. Marsh, DVM, State Veterinarian

DATE

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).

Gary L Haynes
Signature

Digitally signed by Gary L Haynes
Date: 2024.06.20 08:08:04 -04'00'

Gary L. Haynes, Ethics Officer

DATE

D. Approval by State Ethics Commission

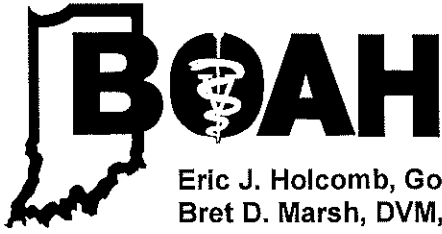
FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
_____	_____
Chair, State Ethics Commission	Date

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

OR

Email scanned copy to:
info@ig.in.gov

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



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

Office of the State Veterinarian
Discovery Hall, Suite 100
1202 East 38th Street
Indianapolis, IN 46205-2898
Phone: 317/544-2400

June 20, 2024

Indiana State Ethics Commission
Officer of Inspector General
315 West Washington Street, Room 104
Indianapolis, IN 46202

RE: Post-Employment Waiver for Larry Reed

Commission Members,

In my capacity as State Veterinarian for the Indiana State Board of Animal Health (BOAH), I hereby designate Gary Haynes, Chief of Staff and Ethics Officer for BOAH, as my designee to present the Post Employment Waiver for Larry Reed on my behalf.

Sincerely,

Bret D. Marsh, DVM

Bret D. Marsh, DVM
Indiana State Veterinarian

Digitally signed by Bret D. Marsh, DVM
Date: 2024.06.20 08:45:15 -04'00'

Date

Received

JUN 21 2024

Indiana Office
of Inspector General



Eric J. Holcomb, Governor
Eric Miller, Director

"Children will live in safe, healthy and supportive families and communities."

If you suspect a child is being abused or neglected, call the Child Abuse & Neglect Hotline at (800) 800-5556.

June 28, 2024

Katherine Noel, Chair
Indiana State Ethics Commission
315 West Washington Street, Room 104
Indianapolis, Indiana

via email: info@ig.in.gov

Dear State Ethics Commission Members:

Please accept this as a request for a formal advisory opinion from the State Ethics Commission. This request is for the July 11, 2024 meeting.

This request is being submitted on behalf of Aaron Atwell, Chief of Staff at the Indiana Department of Child Services (DCS).

Mr. Atwell began working at DCS as chief financial officer on October 26, 2020 and became chief of staff on April 30, 2023. As DCS Chief of Staff, Mr. Atwell is responsible, directly or indirectly, for the policy, fiscal, personnel, and operational decisions for the agency. He reports to the director of DCS.

Mr. Atwell has entered into employment negotiations to serve as the chief financial officer of The Villages of Indiana, Inc. ("The Villages"). The Villages is a nonprofit child and family services agency. Mr. Atwell would like to accept employment with The Villages and respectfully requests a Formal Advisory Opinion from the State Ethics Commission on this matter. A copy of the job description for the role he wishes to fill at The Villages is attached. Below please find important rules from the Code of Ethics and comments about how or if they apply to Mr. Atwell.

A. Confidential Information

Indiana Code 4-2-6-6 prohibits Mr. Atwell 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. Mr. Atwell represents he has not disclosed confidential information in his employment negotiations with The Villages and he understands the rule applies indefinitely and prohibits him from ever receiving compensation as a result of confidential information. So long as any compensation he receives



About Indiana DCS: The Indiana Department of Child Services leads the state's response to allegations of child abuse and neglect and facilitates child support payments. We consider the needs and values of all we serve in our efforts to protect children while keeping families together whenever possible.

does not result from such confidential information, his potential employment with The Villages would not violate IC 4-2-6-6.

B. Conflicts of Interest

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

In this instance, employment negotiations have begun. Accordingly, to help ensure this matter proceeds appropriately, a Conflict of Interest Screen was prepared and filed with this office on June 11, 2024 (attached).

C. Post-Employment

Indiana Code 4-2-6-11 consists of two separate limitations: a "cooling off" period and a "particular matter" restriction.

The first prohibition, commonly referred to as the cooling off or revolving door period, prevents Mr. Atwell from accepting employment from an employer for 365 days from the date he leaves state employment under various circumstances.

First, Mr. Atwell is prohibited from accepting employment as a lobbyist for the entirety of the cooling off period. A lobbyist is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration. Based on the information provided, Mr. Atwell would not engage in any lobbying activities in his prospective employment with The Villages. To the extent that Mr. Atwell does not engage in executive branch lobbying for one year after leaving state employment, his intended employment with The Villages would not violate this provision of the post-employment rule.

Second, Mr. Atwell is prohibited from accepting employment for 365 days from the last day of his state employment from an employer with whom 1) he engaged in the negotiation or administration of a contract on behalf of a state agency and 2) was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of the contract. The Villages has multiple contracts with, and grants awarded by, DCS. The Villages receives funding from the DCS through contracts and grants

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awarded based on competitive bids. There are teams which review these bids and, importantly, Mr. Atwell has advised he is not on those teams and is never in the position where he scores proposals for each agency/provider. He has worked to create programs and establish parameters around programs that all have been competitively bid, e.g. creating the framework, goals, metrics, outcomes, but, importantly, has not been directly involved in who gets what contract. Furthermore, Mr. Atwell represents he has never personally engaged in the negotiation or administration of any contracts between DCS and The Villages and he is not in a position to make discretionary decisions affecting the outcome of the negotiation or nature of the administration of contracts with The Villages.

The Villages provides care to children with money calculated by the DCS finance team in a rate setting process. Mr. Atwell is involved in rate setting parameters which impact the rate setting process and licensing decisions for The Villages and all other similarly situated providers. Pursuant to 465 IAC 2-17, DCS annually sets cost-based rates for Child Placing Agencies (CPAs). These annual rates are set pursuant to the methodology outlined in the stated rule. This rule establishes the procedures the department will use for determining and making maintenance payments to or for foster parents of children placed by the department or a probation department with a CPA for foster care in a licensed foster home and administrative payments to child placing agencies in the state of Indiana. Moreover, rates are calculated based on a set formula and descriptions of each cost limit and adjustments are released annually in DCS's rate bulletins.

For the above reasons, Mr. Atwell's intended employment with The Villages should not violate this provision of the post-employment rule.

Third, Mr. Atwell is prohibited from accepting employment for 365 days from the last day of his state employment from an employer for whom he made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary. Mr. Atwell represents he has not made any regulatory or licensing decisions in his position with DCS that directly apply to The Villages.

Fourth, pursuant to Indiana Code 4-2-6-11(d), Mr. Atwell is prohibited from accepting employment or compensation from an employer if the circumstances surrounding same would lead a reasonable person to believe that said employment or compensation is given or had been offered for the purpose of influencing him in the performance of his duties or responsibilities while a state employee. The present situation should not lead a reasonable person to believe there is or has been inappropriate influence here. The Villages engaging in job discussions and at the point of offering Mr. Atwell a position has not suggested that it is attempting to influence him in his capacity as a state employee. Furthermore, as noted earlier in this document, an appropriate Conflict of Interest Screen was put in place and filed back on June 11, 2024.

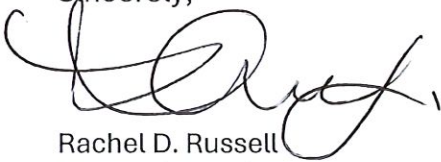
Finally, Mr. Atwell is subject to the post-employment rule's "particular matter" prohibition in his prospective post-employment. This restriction prevents him from representing or assisting a person on any of the following 12 matters if he personally and substantially participated in the matter as a state

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employee: 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project, or 12) a public works project. The particular matter restriction is not limited to 365 days but instead extends for the entire life of the matter at issue, which may be indefinite. In this instance, Mr. Atwell would be prohibited from representing or assisting The Villages, as well as any other person employed at The Villages, in a particular matter in which he personally and substantially participated as a state employee. Mr. Atwell agrees he must refrain from representing or assisting The Villages on any particular matter in which he personally and substantially participated. So long as he refrains from representing or assisting The Villages or any other person on any particular matter in which he personally and substantially participated, the particular matter restriction would not prohibit Mr. Atwell from working for The Villages. Mr. Atwell acknowledges and will abide by this rule.

Mr. Atwell welcomes the privilege to speak with you and address your questions at your next meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel D. Russell', written in a cursive style.

Rachel D. Russell
DCS Ethics Officer

The Villages of Indiana, Inc.

Job Description

Position Title: Chief Financial Officer
FLSA Classification: Exempt

Reports to: President and CEO
EEO Category: Executive/Senior-Level Officials and Managers

POSITION SUMMARY

The Chief Financial Officer (CFO) has primary responsibility for sound financial management through planning, implementation, managing, and running of all finance activities, including business planning, budgeting, forecasting, government contracts, and audits. The CFO directs and oversees the financial activities of The Villages of Indiana, Inc. and The Villages of Indiana Foundation, Inc. and prepares current financial reports and summaries and creates forecasts predicting future growth.

ESSENTIAL FUNCTIONS

Administration of Finance Compliance (95%)

- Serves as a member of the Agency Leadership Team with responsibilities for strategic and cross organizational planning
- Identifies relevant trends and organizational strengths and weaknesses to analyze resources and to determine organizational strategy
- Track important KPIs and forecast return on investment (ROI) for current and future programs and services
- Deals with nonalignment where it exists by allocating resources and establishing priorities to ensure organizational activity supports business objectives
- Active involvement in the Revenue Cycle process
- Serves as staff liaison to The Villages Board of Directors, and The Villages Board Finance and Investment Committee
- Partners closely with Chief Operating Officer in budgeting, tracking, and reporting the financial status of all grants and contracts
- Ensures technology integration by implementing and efficiently maintaining financial systems that support asset management, budgeting, financial reporting, and analysis
- Oversees the development of cash flow forecasts, ensures liquidity to meet short-term obligations, and implements strategies to optimize cash utilization
- Oversees asset, property, and lease management involves a combination of strategic leadership, financial acumen, and compliance with accounting standards and regulations
- Responsible for directing the business operations within the agency and for the supervision and quality of the Business Department (Accounting/Finance/Payroll) and the coordination of Property Management
 - Evaluates and selects the right applicants for these positions; accurately evaluates and assesses the capabilities of subordinates; provides timely feedback; including annual evaluations and helps subordinates improve competencies and skills by working with them to identify areas for development
- Responsible for financial management and separation of The Villages of Indiana Inc. and The Villages of Indiana Foundation, Inc. including annual budget preparation, annual 990 Tax Return preparation in cooperation with contracted CPA firm, annual financial statements, and audit preparation in cooperation with contracted CPA firm, and monthly financial transactions processing and reporting
- Partners closely with the Executive Vice President of Development & Communications to maintain accuracy of all contributions, pledges, and projections including unrestricted, restricted, major gifts (annual and multi-year), and endowment gifts received
- Responsible for organizational financial compliance with all federal and state laws, including IRS regulations
- Serves as a Plan Sponsor/Fiduciary for The Villages Retirement Plan(s) and ensures Plan(s) compliance with all legal requirements
- Serves as a resource for the agency's Performance Quality Improvement (PQI) committee in matters related to Finance

- Demonstrate cultural, trauma-informed competence in interaction with all internal and external stakeholders

Other Duties (5%)

- Other duties as assigned

COMPETENCIES

- Communication Proficiency
- Collaboration Skills and Teamwork Ability
- Organizational Skills and Time Management
- Confidentiality and Ethical Practices
- Resilience
- Adaptability
- Problem Solving

SUPERVISORY RESPONSIBILITY

This position has supervisory responsibilities

WORKING ENVIRONMENT-PHYSICAL AND CULTURAL

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The work environment is a hybrid setting, with sustained use of a computer. The noise level in the work environment is minimal to moderate. All Villages of Indiana employees must conduct themselves in a professional manner and works to create an environment of courtesy, respect, and enthusiasm by demonstrating a positive attitude in all interactions with both internal and external stakeholders. All Villages of Indiana employees are expected to demonstrate cultural competence in interaction with all internal and external stakeholders and respects diversity.

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities, and activities may change at any time with or without notice.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee will regularly use a computer, communicate with staff via phone and e-mail, and repetitive motion activities including substantial movements of wrists, hands, and/or fingers is required. This position requires the ability to lift files, open filing cabinets and bending or standing on a stool, as necessary. This position requires the ability to occasionally lift office products and supplies, up to 20 pounds. This position requires the ability to transport self and others.

TRAVEL

Regular travel is required for this position.

REQUIRED EDUCATION AND EXPERIENCE

- Bachelor's degree in business, management, finance, or related field from an accredited college or university
- Seven (7) years relevant experience in finance with a minimum of three (3) years of direct supervisory and management responsibility
- Strong background in nonprofit accounting, including sophisticated fund and grant accounting, compliance, and reporting.

PREFERRED EDUCATION AND EXPERIENCE

- Master's Degree in business or related field
- CPA license
- Previous experience as CFO

ADDITIONAL ELIGIBILITY QUALIFICATIONS ARE REQUIRED



Criminal Check, National Sex Offender Registry, FBI Fingerprints, Child Protective Services, Physical, Driving Record and proof of auto insurance

AAP/EEO STATEMENT

The Villages provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, or genetics. In addition to federal law requirements The Villages complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Villages expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of The Villages' employees to perform their job duties may result in discipline up to and including discharge.

SIGNATURES

Employee signature below constitutes employee's understanding of the requirements, essential functions, and duties of the position.

Employee

Date



**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

FILED

JUN 11 2024

INDIANA STATE
ETHICS COMMISSION

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 (last) Atwell	Name (first) Aaron	Name (middle)
Name of office or agency Indiana Department of Child Services		Job title Chief of Staff
Address of office (number and street) 302 W Washington St., Room E306		City Indianapolis
		ZIP code 46204
Office telephone number (317) 234-6910	Office e-mail address (required) aaron.atwell@dcs.in.gov	

Describe the conflict of interest:
Mr. Atwell is the Chief of Staff and DCS. Mr. Atwell has interviewed and been offered a contingent role at The Villages of Indiana, Inc. (The Villages) that would begin sometime in August.

The Villages has a business relationship with DCS, including active contracts.

This disclosure is being filed in anticipation of any potential conflict.

Mr. Atwell will be seeking a formal advisory opinion from the State Ethics Commission (SEC) as to whether he is subject to any ethics restrictions including the particular matter restriction or the mandatory cooling off period.

This formal screen is in place until a decision is rendered by the SEC.

This screen prohibits Mr. Atwell from working with The Villages as a DCS employee, including handling any duties which would relate to decisions or voting or matters related to these two.

Mr. Atwell has also agreed to screen himself from assisting The Villages with any matter in which he personally and substantially has been involved in as a DCS employee.

DCS reserves the right to revise this screen, as necessary, after the SEC issues its formal advisory opinion.

This disclosure has been provided to DCS's Director Eric Miller on June 11, 2024.

This disclosure complies with IC 4-2-6-9 et. seq. Please see attached screen.

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

This screen was executed on June 6, 2024, a copy of which was sent to DCS Director Miller along with this disclosure.

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)*

06.11.24

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

Aaron Atwell

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)*

06.11.24

Printed full name of ethics officer

Rachel Russell

CONFLICTS OF INTEREST SCREEN

June 6, 2024

I. Recitals

WHEREAS, Aaron Atwell is Chief of Staff for the Indiana Department of Child Services ("DCS"); and

WHEREAS, Aaron Atwell is considering potential employment with The Villages of Indiana, Inc. ("The Villages"), a nonprofit child and family services agency, and

WHEREAS, The Villages has a business relationship with DCS, including active contracts; and

WHEREAS, as Chief of Staff for DCS, it is possible that Aaron Atwell could participate in matters in which The Villages has an interest as part of his regular job duties; and

WHEREAS, Aaron Atwell's employment negotiations with The Villages created a potential decision and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, pending final decision by the State Ethics Commission, Aaron Atwell is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist a future employer, including The Villages, with any matter he personally or substantially participated in for DCS; and

WHEREAS, Aaron Atwell may have obtained confidential information in the course of his employment at DCS and has an affirmative duty to prevent such information from disclosure and to refrain from relying on such information for the benefit of himself or future employers.

NOW THEREFORE, Aaron Atwell, Chief of Staff for DCS, for his remaining tenure with DCS, or until he discontinues employment negotiations with The Villages, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Aaron Atwell must adhere to terms three (3) and four (4) regarding the particular matter restriction and confidential information in perpetuity.

II. CONFLICT OF INTEREST SCREEN


1. Aaron Atwell shall not participate in any decision or vote, or any matter related to the two, in which The Villages has a financial interest.
2. Aaron Atwell is screened from participating in any present or future contract or other matter involving The Villages.
3. Aaron Atwell shall not assist any future employers, including The Villages, with any matter he personally and substantially participated in while employed by DCS. This restriction applies in perpetuity.
4. Pursuant to IC 31-33-18 *et. seq.*, Aaron Atwell shall not disclose information classified as confidential or otherwise prohibited by this statute or any other relevant statute. This restriction applies in perpetuity.

III. EMPLOYEE AFFIRMATION

I have read and understand the terms of this foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which The Villages has a financial interest. I understand that terms one (1) and two (2) of

this screen terminate upon my departure from DCS or the discontinuation of negotiations with The Villages, whichever occurs first. I further understand that terms three (3) and four (4) regarding particular matters and confidential information respectively, apply in perpetuity, for the life of the matter and so long as the subject information is deemed confidential. I have shared and discussed this Conflict of Interest Screen and its requirements with my supervisor, the director of DCS, Eric Miller, and arrangements have been made to cover matters involving The Villages while this screen is in place.

Executed and Agreed this 6th day of June, 2024 by:



Aaron Atwell, Chief of Staff

Indiana Department of Child Services

Fwd: Ethics Informal Advisory Opinion; Atwell; DCS; Post-Employment

Aaron Atwell <aatwell19@gmail.com>

Tue 3/26/2024 11:52 AM

To: Russell, Rachel D <Rachel.Russell@dcs.IN.gov>

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

Here you go.

aa

----- Forwarded message -----

From: **Blankenberger, Hope** <HBlankenberger@ig.in.gov>

Date: Tue, Mar 26, 2024 at 9:15 AM

Subject: RE: Ethics Informal Advisory Opinion; Atwell; DCS; Post-Employment

To: Aaron Atwell <aatwell19@gmail.com>

There is no template. You simply need to email the email address below or mail in your request and meet the following requirements:

- Requests must be received by the Commission no later than ten (10) days prior to the date of the next monthly Commission meeting
- Requests must be based on a real set of circumstances, be in writing and signed by the person making the request.
- Requests may be:
 - Mailed to the Commission's office located at 315 West Ohio Street, Room 104, Indianapolis, IN 46202; or
 - A scanned copy of the signed, written request may be emailed to info@ig.in.gov

Additionally, to explain your circumstances, it is recommended but not required that you include the Informal Advisory Opinion (IAO) the Office of the Inspector General (OIG) issued to you in your Formal Advisory Opinion request as it will help the State Ethics Commission (Commission) more easily understand your circumstances. The OIG cannot share your IAO with the Commission as IAOs are confidential so only you can provide your IAO to the Commission.

Let me know if you have any other questions.

Hope Blankenberger

Associate Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

(317) 234-4109

HBlankenberger@ig.in.gov

PRIVILEGED AND CONFIDENTIAL

The information contained in this email may be protected by attorney-client and/or attorney/work product privilege or may be considered an investigative record of the Inspector General and may contain confidential information under Ind. Code §4-2-7-8. This information is intended to be excepted from disclosure under the Indiana Access to Public Records Act pursuant to applicable sections of Ind. Code §5-14-3-4(a) and/or (b). It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this email or any other reader of the e-mail is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. Ind. Code §35-44.2-4-3 provides that a person who unlawfully discloses confidential inspector general information is subject to criminal prosecution. If you have received this communication in error, please immediately notify us by telephone at (317) 232-3850.

From: Aaron Atwell <aatwell19@gmail.com>

Sent: Monday, March 25, 2024 9:07 PM

To: Blankenberger, Hope <HBlankenberger@ig.IN.gov>

Subject: Re: Ethics Informal Advisory Opinion; Atwell; DCS; Post-Employment

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

Hope:

Thanks for the follow up. I do see the details of how to submit the formal opinion but can you direct me to what is required? Is there a set template or just respond to the same questions you posed below?

Thanks,

Aaron

On Tue, Mar 12, 2024 at 10:59 AM Blankenberger, Hope <HBlankenberger@ig.in.gov> wrote:

Aaron,

Thank you for contacting the Indiana Office of Inspector General (OIG) and for providing more information. We understand that you are currently employed as the Chief of Staff (COS) at the Indiana Department of Child Services (DCS).

As COS, you are responsible for the policy, fiscal, personnel and operational decisions for DCS. You are responsible for establishing priorities and determining resource requirements. Additionally, you develop action and/or implementation plans and establish short or long-term goals and strategies to achieve them. You state that the COS role serves as part of the agency executive management team and reports directly to the Agency Head. Prior to your role as Chief of Staff, you spent two and half years as the agency's Chief Financial Officer (CFO).

The Villages of Indiana (Villages) has provided Child Welfare Services for thirty or more years and has been a service provider with DCS during that time. The Villages currently has three to four contact/grant agreements with DCS. Each grant/contract has been procured using the State of Indiana and Indiana Department of Administration's (IDOA) procurement guidelines and has been competitively bid. In your role of COS and former role as CFO, you did not have a direct impact on who received contracts or grants. You state that you have not participated, coordinated, evaluated or scored any of the awards or contracts for the Villages or any other service provider.

You state that you would leave DCS employment to work at the Villages. As a Villages employee, you state you that would not be required to participate in executive branch lobbying in Indiana.

In your DCS role or in a pervious state agency role, you have interacted with the Villages in a group provider setting, but you have not interacted one on one with the Villages. All the Villages' contracts and grants can move forward without your work as they are awarded based on competitive bid. Additionally, you have not worked directly with the Villages to fulfill their duties or deliverables on any of the Villages' contracts or grants. You state that you have had no discretion that affects the outcome on any of the Villages' contacts or grants; however, as COS, you state that you have contracting responsibility for all providers for DCS.

During your state employment, you have been involved in licensing matters with providers other than the Villages. In your DCS role or previous state employment, you were involved in decisions, votes or matters

that affected or could affect the Villages. During your time at DCS, you have not been involved in any licensing matters; however, you could be involved in a licensing matter with a service provider such as the Villages if an incident were to occur. In your DCS role, you have been involved in setting parameters that impact the rate setting process and licensing decisions for the Villages and similar providers. The Villages has different sources of income; however, one of their primary sources is from DCS funding.

You ask whether your prospective post-employment opportunities with the Villages invoke any issues under the Code of Ethics (Code).

We cannot provide you with precise guidance on how the Code of Ethics (Code) rules apply to your prospective post-employment with the Villages without specific information of what your work duties would be at the Villages. We do not provide advice on hypothetical scenarios, although we can and have provided you with the following general advice on the Code rules.

Our informal advisory opinion and the information you provided in requesting our ethics guidance is strictly confidential. The OIG will not share this information without your approval; however, you are free to share this informal advisory opinion as you choose.

Your inquiry primarily invokes consideration of the following Code rules: IC 4-2-6-11, the post-employment rule; IC 4-2-6-9, the conflicts of interests related to decisions and votes rule; and IC 4-2-6-6, 42 IAC 1-5-10 and 42 IAC 1-5-11, the confidentiality rules. We have included the relevant definitions and rules at the end of this opinion.

1. IC 4-2-6-11- Post Employment

The post-employment rule (IC 4-2-6-11) consists of two main limitations analyzed below: a “cooling off” period and a particular matter restriction. Furthermore, this rule prohibits you from accepting employment if it has been offered to influence you in your official capacity as a state employee.

A. Employment/compensation offer in exchange for influence on state duties

Under this section of the post-employment rule, you are prohibited from accepting employment from an employer if the circumstances surrounding the hire suggest the employer’s purpose is to influence you in your official capacity as a state employee. **So long as your prospective position is not offered in an attempt to influence you in your DCS role, your post-employment opportunity would not be in violation of this part of the rule.**

B. The “cooling off” period

The first prohibition, commonly referred to as the cooling off or revolving door period, prevents you from accepting employment: (1) as a lobbyist, (2) from an employer with whom you were engaged in the negotiation or administration of a contract on behalf of any state agency and were in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration or (3) from an employer for whom you made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary, until the lapse of 365 days from when you leave state employment.

Regarding Subsection (1) of this rule, you would not be able to work as an executive branch lobbyist in Indiana for one year after leaving state employment. In this case, you would not be able to serve as a lobbyist in Indiana on behalf the Villages or another service provider during the one year period. A “lobbyist” is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration (IDOA). You state that if you accept employment with the Villages, you will not be required to participate in executive branch lobbying in Indiana. We strongly encourage you to carefully review IDOA’s Executive Branch Lobbying Manual to learn about the types of interactions with members of the executive branch that are considered executive branch lobbying. **So long as you do not engage in any executive branch lobbying activities that would require you to register as an executive branch lobbyist during the 365-day cooling off period after you leave state employment, you would not be in violation of this subsection.**

Subsection (3) prohibits you from accepting employment from an employer if you made a regulatory or licensing decision that directly applied to the employer or to a parent or subsidiary of the employer. During your state employment, you state that you have been involved in licensing matters with providers other than the Villages. During your time at DCS, you have not been involved in any licensing matters regarding the Villages; however, you could be involved in a licensing matter with a service provider such as the Villages if an incident were to occur. **So long as you were not involved in any regulatory or licensing decisions that directly applied to the Villages or its parent company or its subsidiary, subsection (3) of this rule would not prohibit you from beginning employment with and accepting compensation from the Villages during the cooling off period.**

However, subsection (2) of the rule may apply to your post-employment opportunities with the Villages and may prohibit you from immediately working for this employer until 365 days have lapsed after leaving state employment. Subsection (2) prohibits you from working for an employer if you both (a) negotiated or administered a contract with the employer, and (b) you were in a position to make a discretionary decision involving the negotiation or administration of the contract with the employer.

In your DCS role or in a previous state agency role, you state that you have interacted with the Villages in a group provider setting, but you have not interacted one on one with the Villages. As DCS COS, you are

involved in the contracting process for all providers; however, all the Villages' contracts and grants can move forward without your work as they are awarded based on competitive bid. Additionally, you state that you have not worked directly with the Villages to fulfill their duties or deliverables on any of the Villages' contracts or grants. You state that you have had no discretion that affects the outcome on any of the Villages' contacts or grants.

The State Ethics Commission (Commission) is the ultimate authority on the Code, and it has broadly interpreted the meaning of "administration" of a contract in the past. For example, in Formal Advisory Opinion 13-I-37, the Commission found that a state employee administered a contract when she worked directly with the vendor, along with other employees, to fulfill the vendor's duties/deliverables set forth in the contract.

Based on the information you provided, it is unclear if the Commission would determine that you both administered and had discretionary decision-making authority in your role at DCS as it pertains to contracts or grants on which you worked involving the Villages.

As a result, we strongly recommend you seek a formal advisory opinion from the Commission to get a public and final determination on this matter should you wish to seek employment with the Villages prior to one year after you separate from state employment. You can find instructions for submitting a request for a formal advisory opinion from the Commission on our website: <http://www.in.gov/ig/2334.htm>. The next meeting at which the Commission can consider the matter is April 11, 2024, and your request for the Commission's formal advisory opinion must be received by April 1, 2024, for consideration at the next meeting.

You may also seek a post-employment waiver from DCS. Such a waiver would need to be granted by DCS's appointing authority, Eric Miller, and then filed and presented to the Commission for approval at one of their public meetings. The requirements for a post-employment waiver are set out in IC 4-2-6-11(g). We recommend that you consult with DCS's ethics officer, Rachel Russell, should you wish to pursue such a waiver.

C. The particular matter restriction

The second prohibition, commonly referred to as the "particular matter" restriction, prevents you from working on the twelve types of matters listed in IC 4-2-6-11(a) if you personally and substantially participated in the matter as a state employee. These matters are 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project or 12) a public works project. The statute specifically excludes "the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application" from the definition of particular matter. The particular matter

restriction is not limited to 365 days but instead extends for the *entire life of the matter at issue, which may be indefinite*.

Under this restriction, you would be prohibited from representing or assisting the Villages or any other person in any particular matter in which you personally and substantially participated as a state employee.

You provide that you are involved in the contracting process for all providers in your role at DCS. As such, you would be prohibited from assisting the Villages, a provider or anybody else with the same contract in your post-employment activities. We encourage you to carefully review the twelve types of matters listed above, and if you have any additional questions regarding your proposed post-state employment activities, you may follow up with our office or with Ms. Russell at any time.

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

Also, because you are a current state employee, 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 any person or organization with whom you are negotiating employment or have an arrangement concerning prospective employment.

The Commission has determined that employment negotiations begin when there is a back and forth exchange. If you have not begun employment negotiations, such as through an interview or discussion of contract terms, or accepted a job offer from the Villages or another service provider, then this rule should not yet present a problem for you.

Nonetheless, we wanted to make you aware of the rule should you decide to stay with DCS while negotiating employment with the Villages. Negotiating employment with the Villages while serving as an DCS employee raises additional issues addressed in the following section. In your DCS role or previous state employment, you were involved in decisions, votes or matters that affect or can affect the Villages. As during your DCS employment, although you have not been involved in any licensing matters involving the Villages, you could be involved in a licensing matter with a service provider such as the Villages if an incident were to occur. You state that you are in a position to participate in matters in which the Villages may have a financial interest as in your DCS role, as you have been involved in setting parameters that impact the rate setting process and licensing decisions for the Villages and similar providers. As such, should you begin employment negotiations with the Villages, you will have identified a potential conflict of interests under this rule.

Please note that should this occur, and you identify a potential conflict of interests, mere recusal from that matter is not enough. The rule also requires you to notify your agency 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 4-2-6-6, 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 a state employee 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 the Villages or another service provider does not result from information of a confidential nature that you learned in your position with DCS any such post-employment would not violate IC 4-2-6-6.

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

Hope Blankenberger

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:

...

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

...

(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.

...

(17) "Represent" means to do any of the following on behalf of a person:

- (A) Attend an agency proceeding.
- (B) Write a letter.
- (C) Communicate with an employee of an agency.

...

IC 4-2-7-1 Definitions

Sec. 1. The following definitions apply throughout this chapter:

...

(5) "Lobbyist" means an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under rules adopted by the Indiana department of administration.

IC 4-2-6-11 One year restriction on certain employment or representation; advisory opinion; exceptions; waivers; disclosure statements; restrictions on inspector general seeking state office

Sec. 11. (a) As used in this section, "particular matter" means any of the following:

- (1) An application.
- (2) A business transaction.
- (3) A claim.
- (4) A contract.
- (5) A determination.
- (6) An enforcement proceeding.
- (7) An investigation.
- (8) A judicial proceeding.
- (9) A lawsuit.
- (10) A license.
- (11) An economic development project.
- (12) A public works project.

The term does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application.

(b) A former state officer, employee, or special state appointee may not accept employment or receive compensation:

- (1) as a lobbyist;

(2) from an employer if the former state officer, employee, or special state appointee was:

(A) engaged in the negotiation or the administration of one (1) or more contracts with that employer on behalf of the state or an agency; and

(B) in a position to make a discretionary decision affecting the:

(i) outcome of the negotiation; or

(ii) nature of the administration; or

(3) from an employer if the former state officer, employee, or special state appointee made a regulatory or licensing decision that directly applied to the employer or to a parent or subsidiary of the employer; before the elapse of at least three hundred sixty-five (365) days after the date on which the former state officer, employee, or special state appointee ceases to be a state officer, employee, or special state appointee.

(c) A former state officer, employee, or special state appointee may not represent or assist 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 officer, employee, or special state appointee, even if the former state officer, employee, or special state appointee receives no compensation for the representation or assistance.

(d) A former state officer, employee, or special state appointee may not accept employment or compensation from an employer if the circumstances surrounding the employment or compensation would lead a reasonable person to believe that:

(1) employment; or

(2) compensation;

is given or had been offered for the purpose of influencing the former state officer, employee, or special state appointee in the performance of the individual's duties or responsibilities while a state officer, an employee, or a special state appointee.

(e) A written advisory opinion issued by the commission certifying that:

(1) employment of;

(2) consultation by;

(3) representation by; or

(4) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.

(f) Subsection (b) does not apply to the following:

(1) A special state appointee who serves only as a member of an advisory body.

(2) A former state officer, employee, or special state appointee who has:

(A) not negotiated or administered any contracts with that employer in the two (2) years before the beginning of employment or consulting negotiations with that employer; and

(B) any contract that:

(i) the former state officer, employee, or special state appointee may have negotiated or administered before the two (2) years preceding the beginning of employment or consulting negotiations; and

(ii) is no longer active.

(g) An employee's or a special state appointee's state officer or appointing authority may waive application of subsection (b) or (c) in individual cases when consistent with the public interest. A waiver must satisfy all of the following:

(1) The waiver must be signed by an employee's or a special state appointee's:

(A) state officer or appointing authority authorizing the waiver; and

(B) agency ethics officer attesting to form.

(2) The waiver must include the following information:

(A) Whether the employee's prior job duties involved substantial decision making authority over policies, rules, or contracts.

(B) The nature of the duties to be performed by the employee for the prospective employer.

(C) 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.

(D) 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.

(E) The extent of economic hardship to the employee if the request for a waiver is denied.

(3) The waiver must be filed with and presented to the commission by the state officer or appointing authority authorizing the waiver.

(4) The waiver must be limited to an employee or a special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation of subsection (b) or (c).

The commission may conduct an administrative review of a waiver and approve a waiver only if the commission is satisfied that the information provided under subdivision (2) is specifically and satisfactorily articulated. The inspector general may adopt rules under IC 4-22-2 to establish criteria for post employment waivers.

(h) Subsection (b) applies, subject to waiver under subsection (g), to a former state officer, employee, or special state appointee who:

(1) made decisions as an administrative law judge; or

(2) presided over information gathering or order drafting proceedings; that directly applied to the employer or to a parent or subsidiary of the employer in a material manner.

(i) A former state officer, employee, or special state appointee who forms a sole proprietorship or a professional practice and engages in a business relationship with an entity that would otherwise violate this section must file a disclosure statement with the commission not later than one hundred eighty (180) days after separation from state service. The disclosure must:

(1) be signed by the former state officer, employee, or special state appointee;

(2) certify that the former state officer, employee, or special state appointee is not an employee of the entity; and

(3) state in detail the treatment of taxes, insurance, and any other benefits between the entity and the former state officer, employee, or state appointee.

(j) The inspector general may not seek a state elected office before the elapse of at least three hundred sixty-five (365) days after leaving the inspector general position.

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 4-2-6-6 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.

Hope Blankenberger

Associate Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

(317) 234-4109

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If you do not know an answer to a question, stating that you do not know is an appropriate response. If you have questions about certain questions I have asked of you, feel free to put your question under the appropriate bullet point.

From: Aaron Atwell <aatwell19@gmail.com>

Sent: Sunday, March 10, 2024 3:15 PM

To: Blankenberger, Hope <HBlankenberger@ig.IN.gov>

Subject: Re: Form Submission - Advice

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Hope-

Good afternoon and hope you are well. I decided to focus my time on these questions towards The

Villages. Please, see my answers below. I tried to answer these to the best of my ability. As DCS Chief of Staff I would be involved in a lot of matter to all of our providers.

- Regarding the Villages of Indiana (Villages):
 - Do you anticipate that you would leave DCS employment to work at the Villages (in other words, you would not serve as both a DCS employee and a Villages employee at the same time)?
 - Yes, I would leave DCS to work at the Villages.

 - Would the position with the Villages to whom you are seeking employment from require you to participate in executive branch lobbying in Indiana?
 - No, it would not require me to lobby the executive branch.

 - In your DCS or any previous state agency role, do you have any interaction with the Villages?
 - Yes, I would have interacted with the Villages in group provider settings. I have not interacted one on one with the Villages.

 - If so:
 - Regarding contracts and grants with the Villages:
 - Would any of contracts or grants move forward without your work?
 - Yes, any all contracts or grants would have moved forward. All contracts or grants were awarded based on competitive bid.

 - Did you work directly with the Villages or other service providers to fulfill their duties/deliverables on any of their contracts or grants?
 - No, I didn't work directly with the Villages.

 - Did you have any discretion that affected the outcome negotiation or the nature of administration on any of the contract or grant?
 - No, I didn't have any discretion that impacted an outcome.

- During your state employment, did you participate in any regulatory or licensing matters?
 - Yes, I would be or have been involved in licensing matters with our providers.
 - If so, were any of those involving the Villages?
 - No, none have involved the Villages.

- Are you involved in any decisions, votes or matters that affect or can affect the Villages?
 - Yes. The Villages is a provider for DCS. The only matters I would be involved in would be a licensing matter if an incident were to occur. I have not been involved any licensing matter at my time at DCS.

- Do you or might you participate in matters in your role where the Villages would have a financial interest? If so, explain.
 - Yes, I would be involved in setting parameters that impact the rate setting process and licensing decisions for the Villages and similar providers.

- Does the Villages received funds through a contract or grant from any Indiana state agency?
 - If so:
 - Could you confirm that your compensation for being on the Villages will not be derived from any Indiana state agency?
 - The Villages has different sources of income. One of the primary resources would be the Department of Child Services. I cannot confirm source of compensation.

 - Do you participate in or have contracting responsibility for your state agency?
 - Yes, as Chief of Staff, I am involved in the contracting process for all providers.

From: Blankenberger, Hope
Sent: Thursday, March 7, 2024 3:36 PM
To: Aaron Atwell <aatwell19@gmail.com>
Subject: RE: Form Submission - Advice

If you do not know an answer to a question, stating that you do not know is an appropriate response. If you have questions about certain questions I have asked of you, feel free to put your question under the appropriate bullet point.

Let me know if this does not make sense or does not answer your question.

Hope Blankenberger

Associate Attorney

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From: Aaron Atwell <aatwell19@gmail.com>
Sent: Thursday, March 7, 2024 2:26 PM
To: Blankenberger, Hope <HBlankenberger@ig.IN.gov>
Subject: Re: Form Submission - Advice

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Hope-

Thanks for reaching back out. I still would like an opinion. I have been working on the questions posed but I may have some additional questions in the questions asked. What's the best way to get those questions answered?

Aaron

On Thu, Mar 7, 2024 at 2:24 PM Blankenberger, Hope <HBlankenberger@ig.in.gov> wrote:

Hello Aaron,

Please let me know if you would still like our informal advisory opinion regarding the application of the Code of Ethics to your circumstances. In order to provide you with this guidance, we do need the additional information requested below. Please let us know if you need more time to provide your responses or if you have any questions.

If we don't hear back from you by the end of the day Thursday, March 14, 2024, we will close out your request; however, if we do so you may always reach out at any point to request ethics advice.

Thanks,

Hope Blankenberger

Associate Attorney

Office of Inspector General

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From: Blankenberger, Hope
Sent: Thursday, February 29, 2024 10:28 AM
To: aatwell19@gmail.com
Subject: Form Submission - Advice
Importance: High

Hello Aaron,

Thank you for reaching out with your ethics questions. We will be happy to provide you with confidential guidance relevant to the Code of Ethics and your situation.

I will be preparing some guidance for you, and I need a little more detail to provide you with a precise analysis.

- Regarding the Villages of Indiana (Villages):
 - Do you anticipate that you would leave DCS employment to work at the Villages (in other words, you would not serve as both a DCS employee and a Villages employee at the same time)?

- Would the position with the Villages to whom you are seeking employment from require you to participate in executive branch lobbying in Indiana?

- In your DCS or any previous state agency role, do you have any interaction with the Villages?
 - If so:
 - Regarding contracts and grants with the Villages:
 - Would any of contracts or grants move forward without your work?

 - Did you work directly with the Villages or other service providers to fulfill their duties/deliverables on any of their contracts or grants?

 - Did you have any discretion that affected the outcome negotiation or the nature of administration on any of the contract or grant?

 - During your state employment, did you participate in any regulatory or licensing matters?
 - If so, were any of those involving the Villages?

 - Are you involved in any decisions, votes or matters that affect or can affect the Villages?

 - Do you or might you participate in matters in your role where the Villages would have a financial interest? If so, explain.

- Does the Villages received funds through a contract or grant from any Indiana state agency?
 - If so:

- Could you confirm that your compensation for being on the Villages will not be derived from any Indiana state agency?
- Do you participate in or have contracting responsibility for your state agency?