

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
April 11, 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; and John Krauss. Office of Inspector General (OIG) staff present included David Cook, Inspector General; Tiffany Mulligan, Chief of Staff and Chief Legal Counsel; Sean Gorman, State Ethics Director; Mark Mitchell, Director of Investigations; Doreen Clark, Staff Attorney; Hope Blankenberger, Staff Attorney; Erin Deckard, Staff Attorney; Mike Lepper, Special Agent; and Nathan Baker, Legal Assistant.

Others present were Mattheus Mitchell, Compliance and Ethics Specialist, Indiana Department of Revenue; Erin Elam, Ethics Officer, Indiana Department of Health; Shane Hatchett, former employee, Indiana Department of Health; Amy Kent, Deputy Health Commissioner, Indiana Department of Health; Kian Hoss, Staff Attorney, Indiana Department of Health; Rachel Russell, Ethics Officer, Department of Child Services; Chris McDonald, Internal Affairs Officer, Department of Child Services; and, Tammera Glickman, Ethics Officer, Indiana Department of Administration.

II. Adoption of Agenda and Approval of Minutes

Commissioner Krauss moved to adopt the agenda. Commissioner Finnerty seconded the motion, and the Commission passed the agenda (3-0).

Commissioner Krauss moved to approve the Minutes of the March 14, 2024, Commission Meeting, and Commissioner Finnerty seconded the motion, which passed (3-0).

III. Consideration of Waiver of Post-Employment Restrictions for Shane Hatchett

Amy Kent, Deputy Health Commissioner for the Indiana Department of Health (IDOH), and Erin Elam, Ethics Officer for IDOH, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Krauss moved to approve the Waiver, and Commissioner Finnerty seconded the motion, which passed (3-0).

IV. Ethics Director's Report

State Ethics Director Sean Gorman provided the following to the State Ethics Commission:

At the March 2024 SEC meeting, I reported some summary numbers of IG activities for calendar year 2023 and noted that our office referred 2 cases last year to local prosecutors for criminal prosecution. Commissioner Krauss inquired about those cases, and I was unable to provide further information at the time but would offer some additional details now. I first note that there may have been more than 2 cases referred to local prosecutors for potential criminal action during 2023, but the following 2 cases resulted in actions by local prosecutors:

1. OIG Case No. 2023-03-0041

The OIG investigated allegations that employees in various state executive branch agencies engaged in ghost employment. The OIG summarized four cases within its report. The OIG found that one case, which involved an employee allegedly misreporting 250 hours of time, resulted in an aggregate loss of \$7,617.50. The OIG presented the case to the Marion County Prosecutor for criminal charges. The Prosecutor declined to file criminal charges; however, the employee repaid the \$7,617.50. In the other three cases, the OIG did not find sufficient evidence of ghost employment, but the OIG made multiple recommendations to agencies regarding employee expectations, monitoring, State Personnel Department (SPD) policies, education, and seeking Informal Advisory Opinions to avoid future misunderstandings and mistakes among their employees.

2. OIG Case No. 2022-09-0277

The OIG investigated an allegation that a Family and Social Services Administration (FSSA) employee submitted false Child Care Information System reports, forged daycare inspection reports and engaged in ghost employment. The OIG found sufficient evidence of forgery and sufficient evidence of official misconduct, but the OIG did not find sufficient evidence that the employee engaged in ghost employment or ethics violations. The OIG referred the case to the Lake County Prosecutor, who charged the employee with two counts of forgery and one count of official misconduct. I am unsure whether this case has been resolved yet.

This afternoon, I will be moderating a discussion with our ethics officers as part of the IG's ongoing efforts to engage appointed agency ethics officers in discussions with our office and each other about current topics of interest and best practices. The main topics today will be on the political activity rule, the post-employment rule, and the ethics information provided in the onboarding/offboarding employment process for state employees.

OIG has issued five (5) IAOs since the March meeting. The requests for opinions were regarding post-employment, gifts, additional compensation, and honoraria.

Finally, on March 19, 2024, IG staff dedicated an afternoon for an all-employee discussion on big picture topics facing our agency. We discussed our continued efforts to explore upgrades to the IG's case management system, increase awareness of the IG role and activities, and how to improve customer service. I hope to be able to report positive progress on these priorities in future SEC meetings.

V. Adjournment

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

The public meeting adjourned at 10:19 a.m.

STATE OF INDIANA) INDIANA STATE ETHICS COMMISSION
) SS:
COUNTY OF MARION) CASE NO: 2023-11-0432

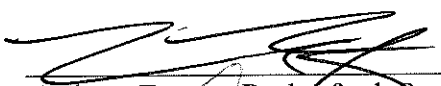
IN RE THE MATTER OF ZACHARY EUGENE RUTHERFORD

Respondent

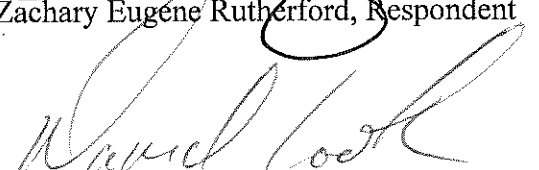
AGREED SETTLEMENT

1. Respondent admits to the facts as alleged in the Ethics Complaints by the Office of the Inspector General on March 18, 2024, to a violation of Indiana Code §4-2-6-17, the restriction relating to unauthorized use of state property and 42 IAC 1-5-13, ghost employment.
2. Respondent agrees to repay the state of Indiana Two Hundred Twenty Six Dollars and Twenty Eight Cents (\$226.28) and a fine in the amount of Two Hundred Fifty Dollars (\$250) for a total of Four Hundred Seventy Six Dollars and Twenty Eight Cents (\$476.28.). The Respondent shall make payment payable to the “Indiana State Ethics Commission” within ten (10) days from the date the State Ethics Commission accepts this agreement.
3. The Office of the Inspector General agrees not to pursue a ban from future state employment.
4. The parties acknowledge that this agreement reflects the entire agreement between the parties, that an approval of these terms by the State Ethics Commission shall result in the final disposition of the proceeding, and that the Respondent is waiving an alternative right to a public hearing as provided for in Indiana Code §4-2-6-2 to contest the complaint.

Dated this 21 of MARCH, 2024



Zachary Eugene Rutherford, Respondent



David Cook, Inspector General

Approved this ____ day of _____, 2024, by the State Ethics Commission in a public meeting by a vote of ____ to ____.

State Ethics Commission Chair

STATE OF INDIANA) INDIANA STATE ETHICS COMMISSION
)SS:
COUNTY OF MARION) CASE: 2023-08-0276

IN RE THE MATTER OF LORETTA LEWIS

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. Loretta Lewis (“Respondent”) and the Inspector General entered into an Agreed Settlement (“Agreement”), which the Commission accepted during their March 14, 2024 meeting.
2. Pursuant to the Agreement, Respondent, an 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(b)(3), the post-employment rule’s cooling-off provision.
3. Pursuant to the Agreement, Respondent admitted that she violated Ind. Code § 4-2-6-11(b)(3) by accepting in employment with an entity she had regulated during her period of IDOH employment prior to the expiration of the 365-day waiting period.

CONCLUSIONS OF LAW

Said conduct, admitted and acknowledged by Respondent, constitutes a violation of Ind. Code § 4-2-6-11(b)(3).

SANCTIONS

1. The Commission imposes a fine to be paid by Respondent in the amount of Ten Thousand Dollars (\$10,000.00) to the “Indiana State Ethics Commission” within five (5) months from March 14, 2024, the date that the Commission approved the Agreement. Respondent shall make monthly payments of at least two thousand dollars (\$2,000.00) a month due by the first of each month until the Respondent pays the fine in full.

Approved on June 13, 2024.

Katherine J. Noel, Chair

Corinne R. Finnerty, Commissioner

Sue Anne Gilroy, Commissioner

Rafael Sanchez, Commissioner

John L. Krauss, Commissioner