

# Criminal Statutes Training Outline (updated for Ethics Resolution 20-2025)

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## *IC 35-44.1-1 General Public Administration City of Columbus*

- 1) Brief trainer introduction
- 2) Why is training on IN Criminal Statutes required?
  - (a) City Ethics Resolution No 20-2025 § 140: Sec. 140. All Public Servants (elected officials, appointed board and commission members and employees) shall be properly trained in the substance of this Code of Ethical Conduct. Such training shall also include a review of criminal offenses against public administration (I.C. §35-44.1-1), the Open Door Laws (I.C. § 5-14-1.5) and the Access to Public Records Act (I.C. §5-14-3). Each Agency's Department Head or Director shall:
    1. Require all new Appointees and Employees to participate in ethics training within twelve (12) weeks of the Appointee's appointment date and the Employee's starting employment with the Agency which may be accomplished through in person or virtual sessions; and
    2. all Appointees and full-time Employees of the Agency to participate in ethics training at least every two (2) years during their tenure, except that part-time and seasonal Employees are not subject to this requirement.
  - c. Each Public Servant not covered under (b) shall participate in ethics training within twelve (12) weeks of starting their position, the completion of which shall be communicated to the City Clerk, the presiding officer and attorney for the council.
- 3) Definition of a Public Servant § 10 (Definitions): Public Servant means, broadly, anyone working for the City and includes any Elected Official, Appointee, Department Head, or Employee.
- 4) Official Misconduct § 35-44.1-1-1
  - (a) How is it committed in Indiana?
    - (i) A *public servant* who *knowingly* or *intentionally*:
      - 1) Commits an offense<sup>1</sup> in the performance of official duties
      - 2) Asks for or accepts *any* property<sup>2</sup> other than what is lawful<sup>3</sup>
      - 3) Has a monetary interest in a transaction based on official information which is not yet made public
      - 4) Fails to deliver public records and property to successor in office *commits Official Misconduct, a Level 6 felony*.
    - (b) Examples: In 2024, Former Clark County Sheriff Jamey Noel pled guilty to 27 felonies including Official Misconduct; state prosecutors alleged Noel used millions of taxpayer dollars from the Utica Volunteer Firefighters Association, Clark County jail commissary funds and New Chapel EMS to buy cars, planes, vacations, clothing and other personal luxury purchases and assigned county workers to political activity and assigned them personal tasks on his behalf.

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<sup>1</sup> [Official misconduct](#) is the most common criminal offense that may apply to state workers. This is because its definition is broad by addressing the conduct of all state employees as “[public servants](#)”. There are two basic elements to the offense: when a (1) public servant (2) does an act prohibited by law in the performance of his/her duties.

<sup>2</sup> Property examples: cash, cars, tickets to an event, lodging, parking, fee waiver, food, beverages, jewelry, etc.

<sup>3</sup> As a condition of continued employment (police car for example)

<https://indianacapitalchronicle.com/2024/10/14/former-indiana-sheriff-jamey-noel-sentenced-to-15-years-in-prison-as-part-of-plea-deal/Investigators> Tamara Vangundy<sup>4</sup>, Hancock County Coroner, was arrested for OWI and charged with OWI **and** Official Misconduct and pled guilty to the felony in 2012. She can no longer hold office.

(d) Official Misconduct is a Level 6 felony<sup>5</sup>

(e) both official misconduct cases and bribery cases can end up going federal- examples:

- Justin Wykoff, former Manager for Engineering Services for the City of Bloomington, pled guilty in federal court to 11 counts of wire fraud for receiving kickbacks from the operators of a local concrete company and awarding City contracts to the company (2025) <https://www.fbi.gov/contact-us/field-offices/indianapolis/news/press-releases/judge-tanya-walton-pratt-sentences-bloomington-public-official-to-federal-prison>
- Judith Siegle, former Office Manager in the City of Bloomington Parks department was sentenced for convictions of fraud and embezzlement after an investigation of her misappropriation of 501(c)(3) funds raised for their Parks department over more than a decade. The investigation was conducted by the FBI, the Bloomington Police Department, the Indiana State Board of Accounts and with assistance from the Monroe County Prosecutor's Office. <https://www.justice.gov/usao-sdin/pr/former-bloomington-parks-department-office-manager-sentenced-fraud-case>

## 5) Bribery § 35-44.1-1-2

(a) What is it?

(i) Bribery is an act of giving money or property *in order to* alter the behavior of the recipient.

(b) How is it committed in Indiana?

(i) A person who:

- 1) Gives, offers, or *agrees* to give a public servant *any* property (other than what is lawful) *with intent to control* job performance of the public servant
- 2) Is a *public servant* and asks for, accepts, *agrees* to accept *any* property *with intent to control* public servant's *own* job performance
- 3) Gives, offers, or *agrees* to give *any* property (other than what is lawful) *with intent to cause* that person to control job performance of a public servant

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<sup>4</sup> Vangundy, Hancock County Coroner, was charged with operating a vehicle while intoxicated after she showed up [in her official capacity] to an apparent suicide with a strong odor of an alcohol beverage coming from her breath. According to the probable cause statement, Vangundy could not keep her balance during the instruction phase of the [sobriety] test.

<sup>5</sup> As used in this chapter, "Level 6 felony conviction" means a conviction in Indiana for:

(A) a Level 6 felony, for a crime committed after June 30, 2014. *Minimum sentence* for a Level 6 felony, for a crime committed after June 30, 2014, is one-half (1/2) year

- 4) Asks for, accepts, or agrees to accept *any* property (other than what is lawful) *with intent to control* job performance of a public servant
- 5) Gives, offers, or *agrees* to give *any* property to a person *connected with* a sporting event *with intent that the person will fail* to use best efforts
- 6) Is *connected with* a sporting event and asks for, accepts, or *agrees* to accept *any* property with intent that person will fail to use *own* best efforts in connection with event
- 7) Is a witness in an official proceeding/investigation and asks for, accepts, or *agrees* to accept *any* property *with intent to withhold* information, *avoid* legal process, or *absent* a legally summoned witness
- 8) Gives, offers, *agrees* to give *any property* to a witness in an official proceeding/investigation *with intent* that witness *withhold* information, *avoid* legal process, or *absent* himself from proceeding
- 9) Gives, offers, or *agrees* to give *any* property in exchange for a vote<sup>6</sup> (or a refrain from voting) *commits Bribery, a Level 5 felony*<sup>7</sup>.

(c) Examples:

(i) Alfonso Salinas, 52, of Hammond, is the Second District Councilman for Hammond was charged with *receipt* of a bribe. David Johnson, 56, of Munster, Indiana, owner of Dave's Tree Service, was charged with *payment* of a bribe. The indictment alleges that Salinas *accepted at least \$10,500 from David Johnson as payment for hiring Dave's Tree Service to work in Hammond's Second District*<sup>8</sup>. (October 2012)

(ii) Reggie Walton and John Hawkins worked for the Department of Metropolitan Development (Indianapolis), but have been suspended without pay. Officials say the two men sold city-owned properties to non-for-profit groups at discounted prices. Then those groups would re-sell the properties to for-profit groups at market value. The Problem is that Walton and Hawkins are accused of *getting kickback payment* from those re-sales. (May 2013)

5) Ghost Employment § 35-44.1-1-3

(a) What is it?

(i) A person on the payroll system who does not actually work for the government entity.

(ii) Nutshell: Don't work on anything other than your official duties<sup>9</sup>

(b) How is it committed in Indiana?

(i) A *public servant* who knowingly or intentionally

<sup>6</sup> In a election described in IC 3-5-1-2 (c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

<sup>7</sup> NOTE: it is not a defense that accused lacked authority to carry out desired act

<sup>8</sup> Salinas is also charged with four counts of willful failure to file tax returns for tax years 2006 through 2009.

<sup>9</sup> Indiana office of Inspector General

- 1) Hires an employee and fails to assign any duties or assigns duties unrelated to the operation of the City, or
  - 2) Assigns duties unrelated to City operation to an employee under his supervision
- (ii) A person employed by the City who
- 1) Accepts property from the City while knowing that he has not been assigned any duties or he has been assigned duties *unrelated* to City operation
- (iii) If committed, participants are *jointly and severally*<sup>10</sup> liable to the City
- (c) Examples:
- (i) Former Indiana Secretary of Public Safety Jennifer-Ruth Green appointed by Governor Braun failed to abide by the remediation agreement internally negotiated to stop using a government employee for political activity (a form of ghost employment, stop using government property for her campaign, and retaliated against the whistleblower)- She resigned and paid a \$10,000 fine to end the complaint with the Ethics Commission and it was referred for criminal investigation <https://indianacapitalchronicle.com/2025/12/16/jennifer-ruth-green-to-pay-10000-fine-under-proposed-indiana-ethics-settlement/>  
Former Indiana Clerk of the Courts, Duane Brown, convicted of (7 counts) of Ghost Employment. Brown hired an employee and told her that she would be working on his campaign. During the first week of work, Brown requested that this employee attend the movie "The Pelican Brief" with him during office hours to allow her to learn more about the political and legal process. After that first week of work, Brown directed that the employee receive a \$2,500.00 bonus from the State. Brown also requested this employee to attend a political fund raising event on his behalf during office hours. (1992)
- (ii) A *Star* investigation discovers that the Indianapolis Fire Department and Monroe Gray can't produce evidence of any work Gray does to earn \$83,000 a year as a community liaison. (October 2007)
- (d) What does not count as Ghost Employment? (A narrow Exception that requires documentation)
- (i) A City employee who voluntarily performs services that
- 1) Do *not* promote religion, attempt to influence legislation or policy, attempt to influence elections (these are U.S. Constitutional and Hatch Act limits), and those services:
  - 2) Are for the benefit of another governmental entity, or 501(3)(c) and
  - 3) Employee has supervisor's approval, and those services are
  - 4) Compliant with a written policy that contains a limitation on total time spent performing those services; or, in special circumstances, a memorandum of understanding between 501(3)(c) and agency establishing assigned position/role and agency retains right to withdraw employee administrative support or work at any time, if there are agency rules/procedures/written policies addressing the shared goals/responsibilities and work shared (examples- Friends of Animal Care, Parks Foundation, Cheer Fund);

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<sup>10</sup> City can collect all monies owed from either one or both participants. Each is liable up to the full amount of the relevant obligation.

(A) Examples: State of Indiana Community Service Leave Policy: <https://www.in.gov/spd/files/Community-Service-Policy.pdf>; See also City of Columbus, Indiana Community Service Leave Policy: see State Advisory Ethics Opinion on Deaf School and 501(c)(3) <https://www.in.gov/ig/files/FAO-2023-FAO-003-ISD-REDACTED.pdf>

6) Conflict of Interest § 35-44.1-1-4

(a) What is it?

(i) As a public servant you may not participate in a decision of any kind in which you, your spouse, or minor child has a financial interest. Conflict of Interest means a situation in which *your private financial interest may influence your judgment in the performance of official duties.*

(b) How is it committed in Indiana?

(i) A public servant who knowingly or intentionally

1) Has a pecuniary interest<sup>11</sup> in or makes a profit from a contract or purchase *connected* with an action by the governmental entity that the public servant serves

2) Does not apply to:

A) Salary for employment or reimbursement of legitimate business expenses

B) An interest for \$250 or less

C) Contracts involving utility services if state/federal government regulates rate structure

D) The public servant acts in an advisory capacity for a state supported school and does not have *authority* to enter into contract on behalf of school

E) The public servant gives full and truthful disclosure<sup>12</sup> to state ethics commission, obtains written approval from commission, which is granted

(i) Before action is taken in connection with contract or purchase, *or*

(ii) Sought as soon as the public servant becomes aware of the conflict

F) The public servant makes a full and truthful disclosure<sup>13</sup> *and*

(i) Is not a member of the body authorized to contract on behalf of the governmental entity, *or*

(ii) Is appointed by elected official, *or*

(iii) Is elected, *or*

(iv) Is member of or appointed by board of trustees of state supported school

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<sup>11</sup> Pecuniary interest means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of: (A) the public servant; or (B) a dependent of the public servant who:

(i) is under the direct or indirect administrative control of the public servant; or

(ii) receives a contract or purchase order that is reviewed, approved, or administered by the public servant.

<sup>12</sup> [Uniform Conflict of Interest Disclosure Statement.pdf](#)

<sup>13</sup> In writing, describing the contract and the monetary interest, affirmed under penalty of perjury, submitted and accepted by City before final action or within 15 days after,

(c) Example: Scott Storms<sup>14</sup>

(i) An ethics panel ruled that the former general counsel at the Indiana Utility Regulatory Commission violated state law when he *participated* in cases involving Duke Energy Corp. while talking to the utility about a job. The Indiana State Ethics Commission fined Scott Storms \$12,120 and barred him from future state employment. Storms repeatedly denied he had done anything wrong when *he accepted a job at Duke while working as general counsel and chief administrative law judge at the IURC*. (Nutshell: Storm had accepted employment with Duke yet continued to participate in official matters concerning Duke) (May 2011)

## 7) Profiteering from a Public Service § 35-44.1-1-5

(a) What is it?

(i) The crime of profiteering from public service occurs when a *public servant* leaves employment with a government agency and then knowingly or intentionally within one year obtains a pecuniary interest in a contract or purchase that the public servant previously approved, negotiated or prepared on behalf of the government agency.<sup>15</sup>

(ii) Nutshell: You can't get business because of your official position

(b) How is it committed in Indiana?

(i) A public servant knowingly or intentionally:

- 1) Obtains pecuniary interest<sup>16</sup> in a contract or purchase with an agency within one year after separation from employment and
- 2) Who as a public servant approved, negotiated, prepared the terms of the contract or purchase *commits profiteering from public service*.

(b) Does not apply to

- (i) Negotiations related to an economic development loan or grant
- (ii) Interests less than \$250

(c) Examples: (find an example)

(d) Defenses can include:

- (i) Person was screened from participation
- (ii) Person has not yet received profits *and*
- (iii) Prompt notice was given to the agency

Additional helpful resources regarding conflicts and managing ethics requirements:

- AIM's Guide to Public Purchasing (current version): <https://aimindiana.org/wp-content/uploads/2024/03/2024-Purchasing-Guide.pdf>
- City of Columbus, Indiana Purchasing Policy (updated 2025 at SBOA's request)

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<sup>14</sup> [http://www.saul.com/media/site\\_files/2586\\_pdf\\_3024.pdf](http://www.saul.com/media/site_files/2586_pdf_3024.pdf)

<sup>15</sup> <http://www.in.gov/ig/2410.htm#crim153>

<sup>16</sup> Pecuniary interest means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of: (A) the public servant; or (B) a dependent of the public servant who:

- (i) is under the direct or indirect administrative control of the public servant; or
- (ii) receives a contract or purchase order that is reviewed, approved, or administered by the public servant.