

Indiana Utility Regulatory Commission



Ethical Standards, Commissioner Interaction, the Flow of Information Within the Commission, Human Resources, and Organizational Structure

June 2, 2003

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Ethical Considerations



- Public Office Is a Public Trust
 - Citizens Are Entitled to the Integrity of Their Government and Officials
 - Government Business is Conducted in a Manner Which Reassures Citizens That the Character and Conduct of Officials and Employees Are Above Reproach
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How Is This Accomplished?



- Employees Carry Out Duties Impartially
 - Employees Make Decisions and Policies Within Proper Channels of Government
 - Employees Avoid Using Public Office For Private Gain
 - Employees Avoid Actions, Transactions, or Associations Which Could Create a Conflict of Interest
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Indiana State Ethics Commission



- Training For State Employees in the Executive and Administrative Branches of State Government on State Ethics Laws and Code of Conduct
 - Investigation and Enforcement When Violations Occur
 - Advisory Opinions -- Prevent Violations Before They Occur
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State Ethics Rules



- Gifts, Favors, Entertainment, Food & Drink
 - Fees For Public Speaking Engagements
 - Political Activity
 - Moonlighting With Other Employment
 - Conflicts of Interest
 - Confidential Information
 - Personal Use of State Property and Time
 - Post-Employment Restrictions
 - Nepotism
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Attorney Ethics



- Attorney Oath to Uphold The Constitution & Laws of the State of Indiana
 - Attorneys in Indiana Are Subject to Special Rules of Professional Conduct
 - Rules Concern Duties to Clients, Obligations of Confidentiality, and Conflicts of Interest, Among Other Issues
 - Rules Apply to Attorneys Practicing Before the IURC
 - These Rules and State Ethics Laws Apply to Attorneys on IURC Staff
 - Rules Encourage Civility and Professionalism
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IURC Ethical Standards



- IURC Is a State Agency
 - State Ethics Laws Apply
 - Indiana Rules of Professional Conduct Apply to IURC Staff Attorneys AND to Attorneys Practicing Before the Commission
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Ex Parte Communications



- The Latin Phrase *Ex Parte* means:
 - on one side only
 - by or for one party
 - done for or on behalf of one party
 - Ex Parte Communications Involve Communications Between an Interested Party and a Decision-Maker Without the Presence or Input of Other Interested Parties
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Ex Parte and the IURC



- Indiana Law Prohibits Communications Between Members or Employees of the IURC Who Are Assigned to Make Findings of Fact and Conclusions of Law In a Formally Docketed Evidentiary Proceeding **UNLESS** Notice Has Been Given to Other Parties and All Parties Have an Opportunity to Participate in the Communication
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Why Is Ex Parte Prohibited?



- The American Justice System Gives Every Person His or Her “Day In Court” – An Equal Opportunity To Be Heard By an Impartial Judge
 - IURC Commissioners and Administrative Law Judges are Considered “Judges”, and IURC Advisory Staff Assist Them in Making Decisions on Cases
 - Ex Parte Communication Means Only One Side of A Case Has Been Heard
 - Deciding a Case on the Merits of Only One Party’s Argument is Inappropriate and Fundamentally Unjust
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Fairness



- By Hearing Both Sides of a Case On the Record, The IURC Guarantees That Every Party Receives a Fair and Equal Opportunity to Be Heard in Front of the Commission and the Opposing Party or Parties.
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Who is Affected?



- Ex Parte Communications Are Prohibited For All Technical Division Directors and Staff, All Administrative Law Judges, and All Commissioners
 - These Persons Are Decision-Makers in Formally Docketed Cases Pending Before the IURC
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What is a Pending Case?



- Any Formally Docketed Case In Which an Order Has Not Yet Been Issued
 - If a Final Order Has Been Issued, the Case is Still “Pending” 20 Days After the Issuance Date
 - The Time During Which an Appeal of an IURC Order is Before the Indiana Court of Appeals or Supreme Court
 - Any Case in Which Appellate Remedies Have Not Yet Been Exhausted
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If It Feels Wrong, It Probably Is . . .



- General Guideline For Ethics Concerns
 - Would the Anticipated Action Give the Appearance of Impropriety?
 - Would the Anticipated Action Draw Public Scrutiny?
 - Ask Counsel and Fellow Commissioners For Guidance
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Commissioner Interaction

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IURC Workflow

Petition Filed

Assigned to Staff

Hearings Held

Information Reviewed

Order Issued

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Future Workflow Objectives



- **Minimize Paper Submission**
- **Distribute Documents Electronically**
- **Provide Case Information to Constituents On-line**
- **Increase Internal Efficiency**
- **Decrease Cost**
- **World Wide Web Resource**

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Human Resources



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Organization Chart



Indiana Utility Regulatory Commission

