

IC 4-2-6-1, Definitions

SEC determined members of the Indiana Faith-Based Advisory Council were not considered "special state appointees" since the Council was not authorized by statute or executive order.

No. 06-I-14
State Ethics Commission
Official Advisory Opinion
June 8, 2006

Background

A state employee is the Executive Director of the Office of Faith-Based and Community Initiatives (OFBCI). In January, 2005, Governor Mitch Daniels created the OFBCI to ensure that the faith-based institutions of Indiana were provided equal access to state and federal resources and services. The OFBCI provides information, training, technical assistance and limited grant funding to both community based and faith based organizations.

The state employee has organized the Indiana Faith-Based Advisory Council to provide the agency with guidance and advice. The council members are selected by the state employee, as executive director of the agency, in consultation with the Governor's office. The members are not the Governor's appointees. Council members do not have authority over any programs or funds, nor do they receive compensation for their services.

OFBCI applies for federal grants to fund its programs and services. Members of the Advisory Council sometimes apply for the same federal grants as OFBCI. In fact, the OFBCI has partnered with certain council members to apply for federal grants.

Issue

Are the members of the Indiana Faith-Based Advisory Council "special state appointees"?

Relevant Law

IC 4-2-6-1 (15) "Special state appointee" means a person who is:

- (A) not a state officer or employee; and
- (B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:
 - (i) is authorized by statute or executive order; and
 - (ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

Conclusion

The Indiana Faith-Based Advisory Council is not “authorized by statute or executive order.” Therefore, it does not fit within the definition of “special state appointee.”