

IC 5-16-11

Chapter 11. Disclosure of Economic Interests by Consultants in Public Projects

IC 5-16-11-1

"Clerk" defined

Sec. 1. As used in this chapter, "clerk" has the meaning set forth in IC 36-1-2-4.

As added by P.L.73-1989, SEC.1.

IC 5-16-11-2

"Consultant" defined

Sec. 2. (a) As used in this chapter, "consultant" means an individual who, under a contract with the state or a political subdivision, does either of the following for the state or the political subdivision:

- (1) Evaluates bids for contracts.
- (2) Awards contracts.

The term does not include a public employee (as defined in IC 34-6-2-38).

(b) An individual is not required to be a party to the contract with the state or the political subdivision to be a consultant under this section.

As added by P.L.73-1989, SEC.1. Amended by P.L.52-1991, SEC.1; P.L.1-1998, SEC.75.

IC 5-16-11-3

Repealed

(Repealed by P.L.52-1991, SEC.9.)

IC 5-16-11-3.5

"Entity" defined

Sec. 3.5. As used in this chapter, "entity" refers to a person that:

- (1) has submitted a bid to be evaluated by a consultant; or
- (2) was awarded a contract by a consultant.

As added by P.L.52-1991, SEC.2.

IC 5-16-11-4

"Fiscal body" defined

Sec. 4. As used in this chapter, "fiscal body" has the meaning set forth in IC 36-1-2-6.

As added by P.L.73-1989, SEC.1.

IC 5-16-11-5

"Political subdivision" defined

Sec. 5. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.73-1989, SEC.1.

IC 5-16-11-5.5

Conflicts of interest; consultants

Sec. 5.5. (a) A consultant has a conflict of interest if any of the following apply:

- (1) The entity has given a gift or gifts:
 - (A) to the consultant, the consultant's spouse, or the consultant's unemancipated children;
 - (B) that have a total fair market value of more than one hundred dollars (\$100); and
 - (C) within the preceding year.
- (2) The consultant, the consultant's spouse, or the consultant's unemancipated children have an equitable or a legal interest in real property the value of which:
 - (A) either:
 - (i) is at least five thousand dollars (\$5,000); or
 - (ii) comprises at least ten percent (10%) of the net worth of the consultant, the consultant's spouse, or the consultant's unemancipated children; and
 - (B) has been or would be increased or decreased if a contract were awarded to the entity.
- (3) The consultant or the consultant's spouse is employed by the entity.
- (4) The entity is the sole proprietorship or professional practice of the consultant or the consultant's spouse.
- (5) The consultant or the consultant's spouse is a partner in the entity.
- (6) The consultant or the consultant's spouse is an officer or a director of the entity.
- (7) The consultant, the consultant's spouse, or the consultant's unemancipated children own stock or options to purchase stock in the entity and the stock or the options to purchase stock have a fair market value of more than ten thousand dollars (\$10,000).

This subdivision does not apply to the following:

 - (A) Time deposits or demand deposits in a financial institution.
 - (B) An insurance policy.

As added by P.L.52-1991, SEC.3.

IC 5-16-11-6**Conflict of interest disclosure; filing**

Sec. 6. (a) A consultant shall file a conflict of interest disclosure if the consultant has a conflict of interest under section 5.5 of this chapter.

(b) The disclosure required under subsection (a) must describe the conflict of interest.

(c) The consultant shall file the disclosure required under subsection (a) within ten (10) days of the earlier of the following events:

- (1) The closing day for receipt of bids.
- (2) The award of the contract.

As added by P.L.73-1989, SEC.1. Amended by P.L.9-1990, SEC.12;

P.L.52-1991, SEC.4.

IC 5-16-11-7

Recipient of disclosure

Sec. 7. The consultant shall file the disclosure required by section 6 of this chapter with:

- (1) the state ethics commission, if the consultant contracts with the state; or
- (2) the clerk of a political subdivision, or the fiscal body of a political subdivision that has no clerk, if the consultant contracts with a political subdivision.

As added by P.L.73-1989, SEC.1. Amended by P.L.52-1991, SEC.5.

IC 5-16-11-8

Disclosure under oath

Sec. 8. The consultant shall make the disclosure required by section 6 of this chapter under affirmation.

As added by P.L.73-1989, SEC.1. Amended by P.L.52-1991, SEC.6.

IC 5-16-11-9

Repealed

(Repealed by P.L.52-1991, SEC.9.)

IC 5-16-11-10

Repealed

(Repealed by P.L.52-1991, SEC.9.)

IC 5-16-11-11

Offense

Sec. 11. A consultant who fails to file a disclosure required by this chapter commits a Class A infraction.

As added by P.L.73-1989, SEC.1. Amended by P.L.52-1991, SEC.7.

IC 5-16-11-12

Perjury

Sec. 12. A consultant who files a false disclosure under this chapter is subject to the penalties for perjury under IC 35-44-2-1.

As added by P.L.73-1989, SEC.1. Amended by P.L.52-1991, SEC.8.