

Ethics waiver a question in \$1.7M education contract

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A former top Indiana education official's role in the sale of \$1.7 million worth of videoconferencing equipment to the state by Cisco Systems Inc., where he worked before and after holding that state position, has added to calls to strengthen Indiana's ethics laws amid a recent spate of boundary-pushing incidents.

Todd Huston left his Department of Education job as chief of staff to former Indiana Schools Superintendent Tony Bennett in 2010 for a position with Cisco, where he had previously worked. He was involved in the 2012 sale of a new TelePresence videoconferencing system to the DOE that officials later determined was a waste of taxpayer money.

Although Huston says he was careful to keep his work for the state and for Cisco separate over the years, good-governance watchdogs say his role in the sale violated the spirit of Indiana's ethics rules designed to stop state employees from cashing in on their public experience in the private sector.

Last month, a top aide to Democratic Schools Superintendent Glenda Ritz filed an ethics complaint with the inspector general's office alleging that state workers violated contracting rules in making the purchase. The complaint doesn't mention Huston directly. The allegation comes amid a slew of high-profile ethics investigations this year which have found little formal wrongdoing, but left state ethics officials faulting gaps in the law itself.

Huston told The Associated Press he wished he had not participated in talks about the TelePresence sale and noted that he made no money in the transaction. Huston said he sought ethics advice throughout his time at the DOE and distanced himself from Cisco projects. He said he remembered the videoconferencing equipment deal but didn't recall playing a major role in the decision.

"I didn't go there to work with the DOE," Huston said of Cisco. "I went there to work with higher ed."

Watchdogs say Huston's involvement points to glaring flaws in Indiana's ethics laws already exposed by other recent high-profile cases involving Bennett, former Indiana Department of Transportation chief of staff Troy Woodruff and state Rep. Eric Turner, who helped kill a nursing home construction ban that could have cost his family business millions.

In those cases, Bennett received a \$5,000 fine for using state equipment for campaign purposes but was told he could have avoided any penalty if he had rewritten department rules to allow campaigning with public resources. Turner, meanwhile, was cleared of any violations by the House Ethics Committee but chastised for violating the "spirit" of the rules. State investigators cleared Woodruff, as well, but said his actions went "right up to that line" of violating the rules.

Huston left Cisco in 2009 to work as Bennett's chief of staff and returned to the company in December 2010. In a Nov. 2010 email Huston sent the state ethics counsel, he said he wouldn't be working with the Department of Education in his job at Cisco and that he hadn't worked directly on Cisco matters while working for the state.

But documents obtained by The Associated Press through public records requests show the two roles were often intertwined.

A month after starting his state job in 2009, Huston set up a meeting between Bennett and Cisco's top government salesman, Bruce Klein. Other calendar entries show that from 2009 to 2010, he met regularly with Cisco salespeople for lunch and dinner.

In another email sent a month after leaving his state job, Huston asked then-Louisiana Schools Superintendent Paul Pastorek for a meeting — first to speak with Cisco's sales team and later to talk about Indiana education policy. Even after leaving his state job, Huston kept a state email address, which he had forwarded to his Cisco email address.

He also joined meetings of top state and Cisco officials in May and July of 2012 over the contract to buy the videoconferencing equipment.

Huston on Wednesday called the email to Pastorek "an error in judgment" and said many of his lunch and dinner meetings were with friends who worked at Cisco.

Stuart Yoak, executive director of the Association for Practical and Professional Ethics at Indiana University, said Huston's ties to Cisco and the DOE could raise questions about his current work in the Indiana House of Representatives, to which he was elected in 2012.

"Citizens have to have confidence in their state employees, both elected and appointed, that their tax dollars are being used wisely to make purchasing decisions," he said.

Huston now works as a senior vice president for The College Board, helping pitch states on their testing products.

Timeline of Huston's dealings with Cisco, DOE

Aug. 21, 2008: Huston initiates talks with Evansville-Vanderburgh School Corp. about purchase of TelePresence videoconferencing equipment from Cisco.

January 2009: Huston leaves Cisco to become new schools Superintendent Tony Bennett's chief of staff.

Feb. 16, 2009: A worker at Cisco alerts the contractor working on the Evansville TelePresence purchase that Huston no longer works for Cisco.

Feb. 18, 2009: Huston schedules a meeting with Bennett and Cisco's top executive on government sales, Senior Vice President Bruce Klein.

November 2009-March 2010: Huston has regular lunch meetings with Cisco sales staff. (Huston says the meetings were with friends from Cisco.)

Nov. 12, 2010: Huston asks Indiana's inspector general for an informal opinion on whether his return to work at Cisco would raise ethical concerns. He states that he had no dealings with Cisco purchases while working for the state and will not be involved in DOE contracts after returning to Cisco.

Nov. 16, 2010: State ethics lawyer Todd Shumaker notifies Huston he is cleared to return to Cisco but notes that the state's "particular matter" law bars any work on contracts between the state and his future employer for life.

Dec. 3, 2010: Huston leaves work at the Indiana Department of Education.

Dec. 6, 2010: Huston rejoins Cisco.

December 2010-November 2012: Huston continues advising top DOE staff on policy matters, including discussions of how to handle school grading changes in 2012. He also continues working as Bennett's chief political adviser. Huston says he adhered to a one-year "cooling off" period he believed applied and avoided work with IDOE.

Jan. 18, 2011: Huston requests a meeting with then-Louisiana School Superintendent Paul Pastorek to discuss both Cisco sales and Indiana education policy. Huston later said that request was an "error in judgment."

April 19, 2012: Bennett heads to Cisco's Carmel office for a TelePresence meeting with Florida state officials and U.S. Department of Education officials regarding a standardized test approved for national Common Core standards.

May 2, 2012: Huston and other Cisco salesmen schedule a meeting with Bennett chief of staff Heather Neal and other top DOE officials.

May 29, 2012: Huston is included with a small group of DOE staff and Cisco salesmen on a "TelePresence demo" at Cisco's Carmel office.

July 12, 2012: Huston is included in a conference call with DOE staff and Cisco salesmen to "review preliminary Cisco video proposal."

July 31, 2012: A "quantity purchase agreement" is approved for the \$1.7 million TelePresence purchase.