



2021 ANNUAL REPORT

Office of the Indiana Attorney General





FROM THE ATTORNEY GENERAL

2021 Office of the Indiana Attorney General's Annual Report

Dear Fellow Hoosiers:

Surely there are no better people for whom to work than the people of Indiana.

Every day, I am encouraged and inspired by your goodness, industry and patriotism. Your steadfast character strengthens my own purpose to keep providing the kind of servant leadership that makes a positive difference for our great state.

On the day I took the oath to become your attorney general, I vowed that protecting Hoosiers' liberties would be my administration's first and primary mission. As you look back on our first year in office, I hope you agree that we made good on that commitment.

The Office of the Indiana Attorney General, employing approximately 400 staff members, focuses daily on a myriad of tasks — providing legal representation to the State of Indiana; protecting consumers from illicit business practices; investigating and prosecuting Medicaid fraud; collecting and returning unclaimed property; and more.

This 2021 annual report provides a snapshot of our work over these past 12 months and enables you to assess our achievements.

As we head into 2022, we are resolved to remain as energetic as ever in doing the work we are so blessed to do.

Please do not hesitate to contact our office with comments or questions — either through our website at in.gov/attorneygeneral/ or by calling (317) 232-6201.

Thank you again for the honor of asking me to serve as your attorney general.

May God bless you in the year ahead.



Yours in service,

A blue ink signature of Todd Roberts, written in a cursive style.



TABLE OF CONTENTS

2021 Office of the Indiana Attorney General's Annual Report

Financial Stewardship	5
Policy Wins	6
Solicitor General	7-8
Advisory	9
Consumer Protection	10-12
Litigation	13-14
Medicaid Fraud	15
Unclaimed Property	16
Complex Litigation	17
Appeals	18



FINANCIAL STEWARDSHIP

2021 Office of the Indiana Attorney General's Annual Report

Staffed by servant leaders, our office is mindful to maximize Hoosiers' return on taxpayer dollars.

Accomplishments

Unclaimed Property returned \$48,371,557.75 directly to Hoosiers. \$48,371,557.75

The State received \$10.8 million from consumer settlements. \$10,820,061.19

Actuals 2021

The OAG recovered more than \$311.6 million in 2021. \$311,659,899.19

Collections for the State \$9,653,555.00 3%

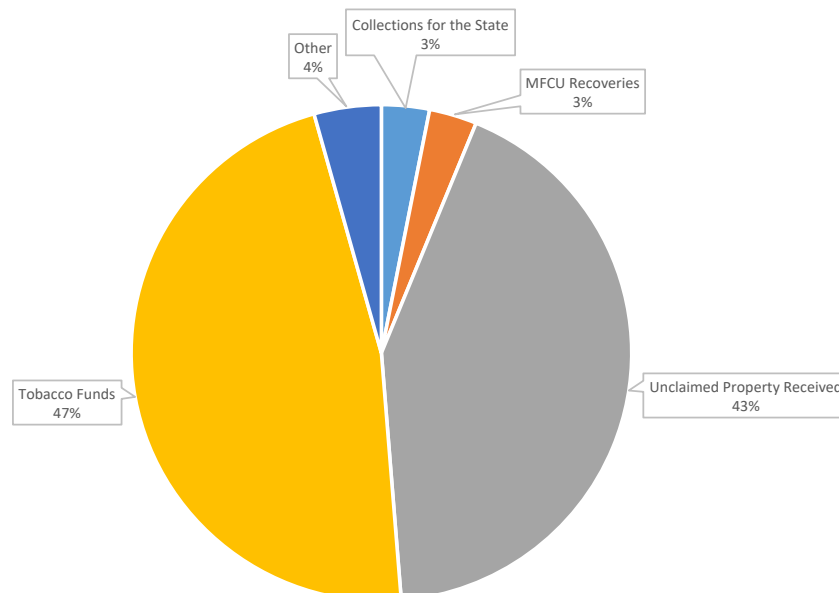
Medicaid Fraud Control Unit (MFCU) Recoveries \$9,610,973.00 3%

Unclaimed Property Received \$132,607,875.00 43%

Tobacco Settlement Funds \$146,262,256.00 47%

Other (Consumer Litigation Settlements, Homeowner Protection, ID Theft Recoveries, Solicitation and Real Estate Fees) \$13,525,240.19 4%

The OAG recovered more than \$311 million in 2021



Unless indicated otherwise, the numbers and figures included in this report are accurate as of 12/1/21.



POLICY WINS

2021 Office of the Indiana Attorney General's Annual Report

Accomplishments

Big Tech

Attorney General Todd Rokita took on Big Tech censorship with investigations into Amazon, Apple, Facebook, Google, and Twitter. The focus of the investigations is to probe how these companies have potentially harmed Indiana consumers through business practices that are abusive, deceptive, and/or unfair.

Holcomb v. Bray

Standing strong in defense of Indiana's constitutional separation of powers, Attorney General Todd Rokita secured an important win from the Marion Superior Court in *Holcomb v. Bray* in October. The Court ruled that the Indiana General Assembly may provide by law for a legislative session to commence if the Governor declares a statewide emergency, upholding HEA 1123.

Parents' Bill of Rights

Concerned parents passionate about their kids' education are not terrorists as the NSBA would have you believe. To support parents, Attorney General Todd Rokita created a Parents' Bill of Rights to ensure parents know their rights provided by law. Initially issued in June with an updated version released in November, the Parents' Bill of Rights provides guidance on issues of concern to parents, including social-emotional learning, participation at school board meetings, open access to educational records, opting out of certain curricula, and filing civil rights complaints.

Vaccine Mandates

Attorney General Todd Rokita has filed multiple legal actions against President Biden to stop unlawful vaccine mandates the administration is imposing on employers and employees across the country.

China

Three weeks after Attorney General Todd Rokita announced an investigation into Valparaiso University's association with the Confucius Institutes, which are alleged to function as a propaganda arm of the Chinese Communist Party, the university indicated it intends to end its relationship with its Confucius Institute in March 2022.

Election Integrity

In defense of election integrity, Attorney General Todd Rokita explained the dangers of the "For the People Act" in testimony before the U.S. Senate Committee on Rules & Administration. In his remarks, Attorney General Rokita argued that "states should continue to hold elections in the manner that best suits each state."



SOLICITOR GENERAL

2021 Office of the Indiana Attorney General's Annual Report

Abortion

Whole Woman's Health Alliance v. Rokita: After several years of litigation, a challenge to nearly the entire Indiana abortion code went to trial. Indiana convinced the district court to uphold the following laws:

- Abortion reporting requirements
- For minors seeking abortion, requirement of parental consent or judicial order
- Mandatory disclosures concerning the physical health risks of abortion
- Clinic safety regulations
- Dosage and pill administration requirements for medication abortion
- Hospital admitting privileges requirements for abortion physicians
- Clinic inspection laws
- Clinic equipment requirements
- Only physicians may perform surgical abortions
- Women seeking abortion must have an ultrasound
- A physician or advanced practice clinician must provide the informed consent information
- Criminal penalties for violations of the abortion code

The district court did enjoin several abortion laws, but the Solicitor General Division persuaded the Seventh Circuit to stay the injunction pending appeal for the most significant ones, including laws providing the following:

- Only physicians may provide for medication abortions.
- Second trimester abortions must occur in a hospital or ambulatory surgical center.
- Informed consent, physician examination and abortion pill dispensing must all occur in-person.

Meanwhile, the State continues to appeal the judgment and injunction with respect to these laws enjoined by the district court.

- **Planned Parenthood Great Northwest v. Marion County Prosecutor:** Indiana successfully overturned the district court's decision declaring unconstitutionally vague Indiana's requirement that physicians, clinics, and hospitals report abortion complications to the State.
- **Box v. Planned Parenthood of Ind. & Ky., Inc.:** Indiana filed a cert petition asking the U.S. Supreme Court to review the Seventh Circuit's decision striking down its law requiring parental notice for minors seeking abortion. The Supreme Court has yet to act on the petition.
- **All Options v. Attorney General:** Indiana defended its law requiring that women seeking abortion be informed that a medication abortion may be reversed before the second pill is taken. Unfortunately, the district court granted Plaintiffs' preliminary injunction. Indiana continues to defend this law at summary judgment and trial.
- **Bernard v. Individual Members of the Indiana Medical Licensing Board:** Indiana prepared for trial to defend its prohibition on dismemberment abortions. The trial has been postponed until after the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*.

Other Important Victories

- In the Seventh Circuit, the SG Division lawyers won an en banc victory, obtaining reversal of a Seventh Circuit panel decision that had endorsed a "right to travel" challenge to Indiana's sex-offender-registry system.
- In state court, SG Division lawyers helped obtain a trial-court victory defending, against the Governor's challenge of the General Assembly's authority to provide for emergency legislative sessions.



SOLICITOR GENERAL

2021 Office of the Indiana Attorney General's Annual Report

The Solicitor General represents the State of Indiana in litigation before the Supreme Court of the United States and other significant and high-profile matters.

Accomplishments

Vaccine Mandates

- Indiana, alongside several other states, successfully sought stays of the Biden Administration's vaccine mandates, including OSHA's 100+ employee mandate and the Medicare and Medicaid healthcare staff mandate. This matter is currently in front of the U.S. Supreme Court.
- The SG Division challenged OSHA's emergency temporary standard, which required that all employers with 100+ employees mandate vaccination. That order was stayed, and Indiana joins dozens of states in the consolidated case defending that stay. This matter is currently in front of the U.S. Supreme Court.
- Indiana and its fellow plaintiff states challenged the Medicare and Medicaid provider mandate and succeeded. At the states' urging, the district court in Louisiana enjoined the mandate from going into effect anywhere in the nation. The matter is currently in front of the U.S. Supreme Court.
- Indiana, along with Louisiana and Mississippi, challenged Biden's order mandating vaccination of federal contractors in federal court in Louisiana. We are seeking a preliminary injunction that would prevent this order from going into effect while the court reviews its lawfulness.
- Federal HHS issued a rule that would require all childcare and child development facilities that utilize federal Head Start funds to require all staff to be vaccinated and require masks of all children at least 2 years old. Attorney General Todd Rokita filed suit against the Biden administration and won an immediate injunction against the Head Start rule.

Amicus Briefs

The SG Division provided national leadership by writing and filing more than a dozen multi-state amicus briefs in important and high-profile cases pending before the U.S. Supreme Court, lower federal courts and the Indiana Court of Appeals. The amicus briefs the SG Division filed this year spanned a variety of cutting-edge legal issues, including:

- Immigration, where the State filed amicus briefs opposing the Biden Administration's attempts to rescind the Migrant Protection Protocols, which have proven to be essential to addressing the immigration crisis at America's southern border.
- Religious liberty, where the State filed amicus briefs supporting the application of the ministerial exception and church-autonomy doctrine in multiple cases.
- Energy and climate change, where the State filed amicus briefs supporting the defendant oil companies' efforts to remove to federal court lawsuits seeking to hold the companies liable for the costs of global climate change under a common-law public-nuisance theory.



ADVISORY

2021 Office of the Indiana Attorney General's Annual Report

The Attorney General's Advisory Division provides guidance to public officials in their efforts to understand state statutes, policies, procedures and the law. It does this by helping research and craft official advisory opinions, memoranda of guidance and informal legal counsel; advising state government in the review and creation of administrative rules and regulations; reviewing and approving the form and legality of all state contracts; acting as legal advisor to Indiana's licensing boards and commissions.

Accomplishments

- Access to Public Records Act Requests Completed = 201
- Active MOUs = 30
- Administrative Rules = 42
- Boards & Commissions Advised = 60

Contracts :

- For 2021 = 6,520 (6,322 electronic and 198 paper)
- Contract Form Approvals = 83
- Official Opinions = 2
 - 2021-1: RE: University policies on COVID-19 vaccination
 - 2021-2: RE: Black Lives Matter as a Political Organization



CONSUMER PROTECTION

2021 Office of the Indiana Attorney General's Annual Report

The Office of the Indiana Attorney General Consumer Protection Division safeguards Hoosiers from predatory business practices by taking legal action against violations of the Deceptive Consumer Sales Act. The division also works to protect data privacy and combat identity theft. In addition, the division investigates and addresses matters pertaining to medical and professional licenses.

Accomplishments

Intake and Mediation

Intake stats:

Calls: 20,427

Referred to mediation: 4,174

Complaints Received: 15,582

Referred to Data Privacy: 4,097

Caller satisfaction rate for telephone
intake staff: 84%

Referred to Licensing Enforcement: 2,607

Written feedback from customer surveys:

"The young lady that took care of me was very kind and understanding and I couldn't have asked for a better experience. Thank you so very much for her."

"They were very very helpful, very understanding and very compassionate. They told me what I needed to know and in fact, gave me information I didn't know and was glad to get a hold of. Thank you so very much!"

"They were awesome! They helped us with a problem with these extra phone calls we get with telemarketing and gave us other suggestions. She was very quick with the information and forms to get this started. Very good job!"

"My wait time wasn't long and she was very knowledgeable. I was highly satisfied. She put me on the do not call list for Indiana as well as gave me the number for the do not call list. I'm very pleased with the State of Indiana. Give her a raise for next year, how does that sound?"

"The lady I spoke with was cordial and professional and I appreciate that. Thank you."



CONSUMER PROTECTION

2021 Office of the Indiana Attorney General's Annual Report

Consumer Litigation

Consumer Litigation Collects

Type of Relief	Value
Penalties	\$7,496,038.70
Restitution	\$4,959,549.82
Contract/Loan Cancellation	\$9,807,547.00
Costs	- \$8,100.00
	\$22,271,235.52

Additional types of relief obtained:

- Vehicle titles obtained for consumers through litigation: 60
- Guaranteed coverage on manufacturer and extended vehicle warranties that otherwise could have been declared void: 245

Medical Licensing

- 2,090 investigations were opened in Licensing Enforcement.
- 2,333 cases were closed in Licensing Enforcement as of 12-8-2021.
- The average time for investigations decreased from 9.17 months in January of 2021 to 8.06 months currently.

Homeowner Protection Unit

- The Homeowner Protection Unit ("HPU") resolved 716 consumer complaints. The top three categories were real estate-related matters, loan servicing issues, and homeowner association complaints.
- HPU resolved 596 consumer complaints, a 17% increase from 2020.
- HPU resolved 14 civil matters with \$427,500 in civil penalties and \$116,829.28 in consumer restitution.
- HPU represented the State in 72 administrative filings between the Indiana Real Estate Commission and the Indiana Appraiser Board, with 68% of cases resolved without dismissal.
- Following a year-long investigation, the Homeowner Protection Unit filed a lawsuit in July against Aloft Mgt LLC (Aloft) and Fox Lake AHF Inc. (Fox Lake) for their corresponding roles in allowing the Fox Club and Lakeside Pointe apartment complexes in Indianapolis to fall into egregious disrepair, endangering the health and welfare of thousands of residents. The defendants' pattern of unlawful conduct, including a failure to maintain even basic habitability standards, is not only unfair to residents but runs counter to Fox Lake's stated purpose of providing low-income housing in the Indianapolis community. Negotiations and litigation continues to hold the owners accountable to their tenants.

Data Privacy

- There were fewer data breaches in 2021 compared to 2020, but the breaches that occurred impacted more Hoosiers and had a higher monetary impact. In 2021, 1,144,623 Hoosiers were impacted by data breaches compared to 462,837 in 2020.
- Hoosiers were involved in ransomware cases in which at least \$126,454,229.77 was demanded as ransom and at least \$74,131,549.07 was paid.

Unless indicated otherwise, the numbers and figures included in this report are accurate as of 12/1/21.

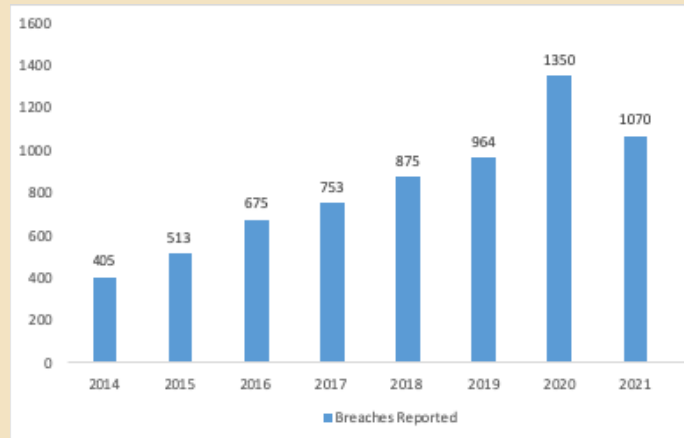


CONSUMER PROTECTION

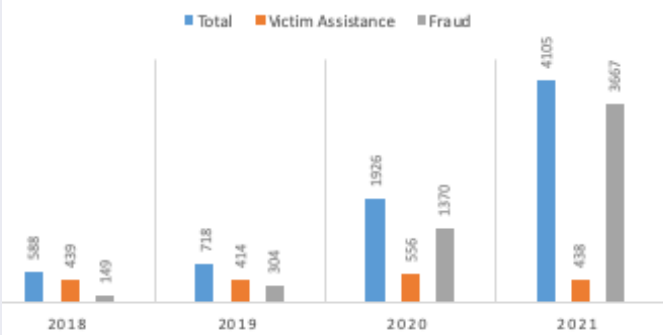
2021 Office of the Indiana Attorney General's Annual Report

Data Privacy

- Data Privacy obtained judgments or settlements — including multistate cases on which it was a lead state or part of the executive committee — totaling \$27,788,117.92, of which Indiana's share was \$6,788,117.92 million.
- Data Privacy completed its forensic investigation lab, permitting it to research the dark web for compromised information and ransomware gangs.

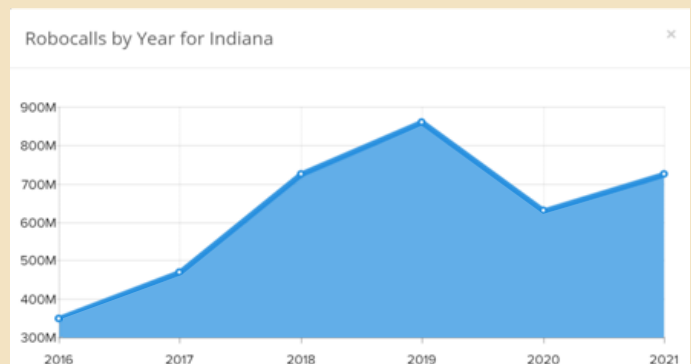


IDENTITY THEFT COMPLAINTS



- Data Privacy saw a 211% increase in the total number of identity theft complaints filed with the Office and a 262% increase in fraud claims.
- 3,674 new Identity Theft Fraud cases were opened and 1,118 Identity Theft Fraud cases were closed.
- We issued 677 subpoenas and 975 Civil Investigative Demands.

- Data Privacy processed 5,186 telephone privacy complaints.
- Data Privacy filed a groundbreaking complaint in the U.S. District Court for the Southern District of Indiana against Startel, a robocall gateway company located in Evansville as well as two carriers that assisted the gateway company in transmitting more than 5 million illegal robocalls to Indiana residents.
- Data Privacy expanded its forensic capabilities, permitting it to gather forensic information from mobile phones and analyze call detail records from carriers.
- Indiana leads the National Association of Attorney General Do Not Call/Autodialer Working Group and is an active executive committee member on robocall technology, coordinating with the Industry Traceback group to implement technologies to slow or prevent fraudulent calls and to change the process by which illegal calls are investigated and enforced.



Unless indicated otherwise, the numbers and figures included in this report are accurate as of 12/1/21.



LITIGATION

2021 Office of the Indiana Attorney General's Annual Report

The Litigation Division represents and defends the State of Indiana in lawsuits involving the state's interests.

Accomplishments

- The Litigation Division and its sections litigated approximately 4,300 cases in federal and state courts, opened 3,406 cases and closed 3,837 cases YTD, and recouped more than \$13.9 million.
- In FY 2021, the State paid out less for civil rights and tort cases than fiscal estimates (\$8.9 million paid out of the Tort Claim Fund), and through successful litigation strategy and advocacy, the Litigation team achieved billions in savings for taxpayers.

Administrative and Regulatory Enforcement Litigation Section

- Successfully defended the State's interest in several high-profile and significant cases involving important issues such as sovereign immunity, separation of powers, and statutory interpretation. The team has continued to litigate in such complex areas as election law, alcohol regulation, and health and safety law.
- YTD money recouped for the state through court ordered assessments of fines or through negotiation: \$470,750.00.

Government Litigation Section

- Successfully defended hundreds of Section 1983 civil rights, employment, and other claims through jury and bench trials, mediations, settlement conferences, and dispositive motions including saving taxpayers millions of dollars by way of successful jury verdicts, motion practice, and negotiations.
- YTD opened 725 cases and closed 720 cases.

Real Estate Litigation Section:

- Represented the State in all eminent domain cases, which assisted INDOT in meeting its construction deadlines.
- Negotiated real estate acquisitions and handled the review and approval of 1,064 secured real estate parcels, representing a 10% increase over 2020.
- YTD money recouped for the state through court ordered assessments of fines or through negotiation: \$270,590.94.



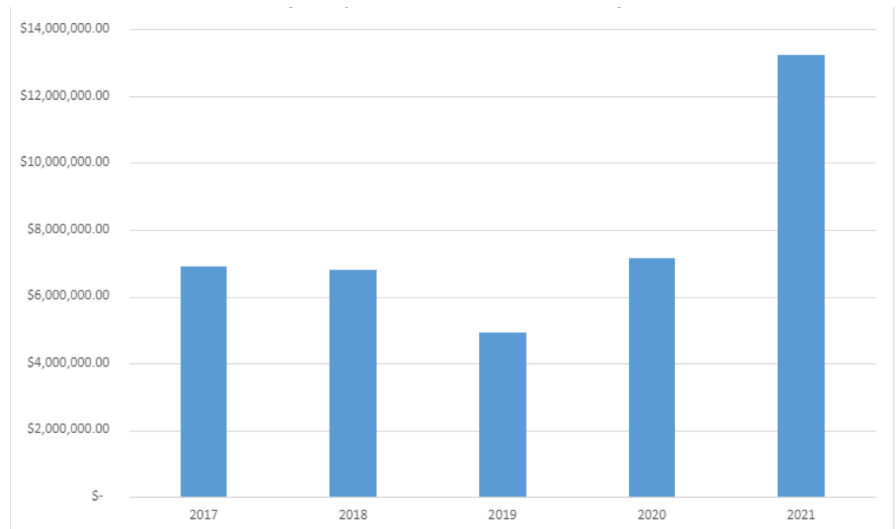
LITIGATION

2021 Office of the Indiana Attorney General's Annual Report

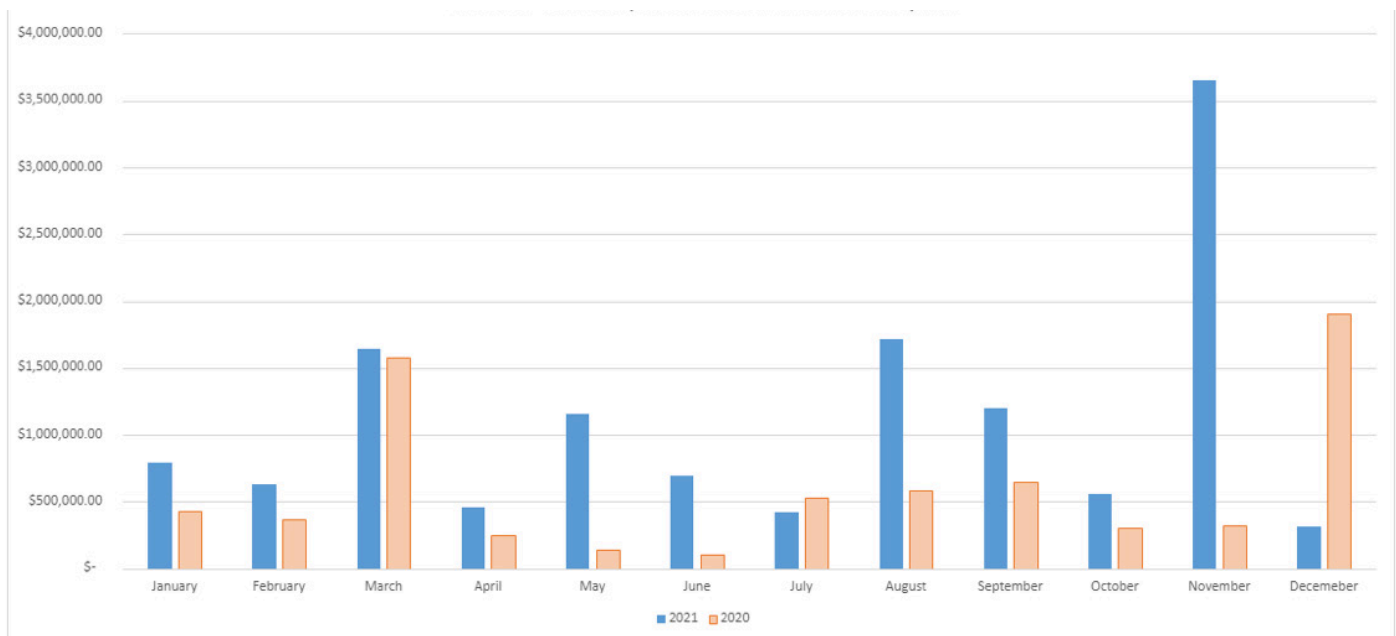
Asset Recovery and Bankruptcy Litigation Section

- YTD money recouped for the state through court ordered assessments of fines or through negotiation: \$13,226,549.86.
- Successfully recouped more than \$3.3 million in fraudulently obtained unemployment funds by scammers who collected unemployment benefits using other people's identities through information gathered from the dark web. The fraud that occurred with the unemployment claims during the pandemic was unmatched by other recessions. Specifically, it was discovered that people were setting up accounts to claim unemployment for people based on information gathered from the dark web.

Yearly Comparison of Monies Collected by Asset Recovery & Bankruptcy



Year over Year Comparison of Monies Collected by Asset Recovery & Bankruptcy



Unless indicated otherwise, the numbers and figures included in this report are accurate as of 12/1/21.



MEDICAID FRAUD CONTROL UNIT

2021 Office of the Indiana Attorney General's Annual Report

The Medicaid Fraud Control Unit investigates Medicaid provider fraud and patient abuse or neglect.

Accomplishments

- Recovered over \$8.1 million from various civil and criminal cases involving either fraud or the abuse or neglect of patients receiving Medicaid benefits.
- Achieved 58 criminal convictions in State and Federal courts.
- Achieved 60 federal criminal indictments in State and Federal courts.

The Indiana Medicaid Fraud Control Unit receives 75 percent of its funding from the U.S. Department of Health and Human Services under a federal grant. The remaining 25 percent is funded by the State of Indiana.





UNCLAIMED PROPERTY

2021 Office of the Indiana Attorney General's Annual Report

The Unclaimed Property Division collects, safeguards, and returns unclaimed property to rightful owners.

Accomplishments

- Returned over \$48 million to Hoosiers in 2021.
- Processed over 41,000 claims.
- Average claim amount was \$995.
- Reconciled over 994,000 properties.
- Conducted over 100 eBay Auctions for the sale of tangible items from safe deposit boxes.
- Received over \$122 million in property including contents of safe deposit boxes, unclaimed stock dividends, refunds from utility companies, etc.

Check www.IndianaUnclaimed.gov to see if the Office of the Attorney General has funds for you!



Unless indicated otherwise, the numbers and figures included in this report are accurate as of 12/1/21.



COMPLEX LITIGATION

2021 Office of the Indiana Attorney General's Annual Report

The Complex Litigation Division handles unique cases requiring specialized expertise.

Accomplishments

- Obtained a settlement for more than \$12.5 million against McKinsey & Company for its role in working with opioid companies, helping those companies promote their drugs, and profiting from the opioid epidemic.
- Obtained a proposed settlement in the amount of \$507 million with the three largest drug distributors (Cardinal Health, McKesson, and AmerisourceBergen) related to their legal duty to refuse to ship opioids to pharmacies that submitted suspicious drug orders. The settlement also involved Johnson & Johnson, regarding whether it misled patients and doctors about the addictive nature of opioid drugs.
- Continued investigations regarding issues that significantly impact Hoosiers, including the nationwide opioid crisis, to determine whether additional action could be pursued to obtain relief.
- Assisted Consumer Protection Division in its investigation of Amazon, Apple, Facebook, Google and Twitter to determine whether those businesses have engaged in abusive, deceptive or unfair practices that have negatively affected Hoosiers.
- Assisted the Consumer Protection Division in continued prosecution of non-profit Wildlife in Need and its president, Tim Stark, as first chair in a bench trial resulting in 1) a finding of personal liability against Stark; 2) relocation of more than 100 exotic animals; 3) receivership, which will allow the State of Indiana to recoup its costs for bringing the action.
- Assisted the Asset Recovery and Bankruptcy Litigation Section as lead counsel in a consolidated case involving two semi-trailer crashes causing damage to a bridge by successfully obtaining a settlement for the Indiana Department of Transportation in the total amount of \$735,000.
- Assisted the Consumer Litigation Section in the continued prosecution of three cases in the Eastern District of Pennsylvania alleging price fixing in generic drugs in violation of federal and state anti-trust and consumer protection laws.
- Continued an investigation into the conduct of USA Gymnastics under Indiana's Nonprofit Corporations Act while monitoring the organization during its bankruptcy proceeding and assisting in the development and implementation of nonmonetary terms to improve and promote safety.



APPEALS

2021 Office of the Indiana Attorney General's Annual Report

The Appeals Division represents the State's interests before the Indiana Supreme Court, U.S. Courts of Appeals, and the Court of Appeals of Indiana. This includes representing the State at the appellate stage of all criminal cases, as well as litigating appellate cases in a wide range of civil matters. Its attorneys also represent State officials in habeas corpus challenges to criminal convictions and prison disciplinary sanctions that are filed by prisoners in the U.S. District Courts. The Division also operates a variety of victim services programs related to domestic violence, protective orders, and victim notification.

Accomplishments

Criminal Appeals

- Successfully obtained an order by the Indiana Supreme Court reaffirming the convictions and capital sentence of Kevin Isom, who murdered his wife and two teenage stepchildren in Lake County in 2007.
- Persuaded the Indiana Supreme Court to uphold the murder convictions and life imprisonment without parole sentences of child killers Dylan Tate and Ryan Ramirez (both crimes committed in Madison County).
- Won an appeal brought by John Larkin, who was convicted in LaPorte County for the 2012 killing of his wife, that sought to overturn his manslaughter conviction.
- Achieved victories on several significant areas of criminal law and procedure, such as the exclusion of parents in criminal trials when they are also witnesses (*Byron Harris v. State*), protecting the confidentiality of informants (*State v. Justin Jones*), search and seizure of automobiles involved in crimes (*James Combs v. State*), Miranda warnings during consensual interviews of witnesses (*State v. Axel Diego*), and the smell of marijuana as probable cause to support a search warrant (*Jesse Bunnell v. State*).

Civil Appeals

- Persuaded the Court of Appeals of Indiana to overturn an injunction that barred the Department of Workforce Development from withdrawing from the heightened unemployment benefits made available by the federal CARES Act during the pandemic.
- Convinced the Indiana Supreme Court to uphold the General Assembly's 2011 education reforms, which limit the topics of collective bargaining between schools and teachers, to ensure that schools retain their authority to assign teachers based on the best needs of schoolchildren.
- Won important appeals in the U.S. Court of Appeals for the Seventh Circuit that clarified immunity from suit for Indiana's prosecuting attorneys and protected state courts from federal lawsuits that try to interfere with Indiana's child welfare courts.
- Presented arguments in still-pending cases on several significant legal questions, such as the legality of the City of Gary's "sanctuary city" policy under Indiana laws prohibiting that practice, Indiana's ownership of its Lake Michigan shoreline, the constitutionality of penalties levied against those who defraud Indiana's unemployment compensation program, the financing of county probation officers, and a constitutional challenge to certain alcoholic beverage regulations on out-of-state wine distributors.



Visit us at: <https://www.in.gov/attorneygeneral/>



2021 ANNUAL REPORT

Office of the Indiana Attorney General