

INDIANA
STATE ETHICS COMMISSION

315 WEST OHIO STREET, ROOM 104, INDIANAPOLIS, IN 46202 317.232.3850

Minutes of the
Indiana State Ethics Commission
December 12, 2024
At 10:00 am

Indiana State Library
Indiana Authors Room
315 West Ohio Street, Second Floor
Indianapolis, IN 46202

Board Members Present:

Katherine Noel, Chair
John Krauss
Corinne Finnerty
Sue Anne Gilroy

OIG Members Present:

Regan Perrodin, State Ethics Commission Director
Teresa Henson
David Cook
Tiffany Mulligan
Elaine Vullmahn
Will Deane
Mark Mitchell
JJ Fajt
Mark Day
Sam Stearly
Mike Lepper

I. Call to Order and Establishment of Quorum

10:00 am

Katherine Noel calls the meeting to order.

II. Adoption of Agenda

A motion was made and seconded to adopt the agenda. Krauss/Finnerty 4-0

III. Adoption of Minutes

Approval of Minutes of November 14, 2024. A motion was made and seconded to adopt the minutes. Krauss/Finnerty 4-0

IV. Post-Employment Waivers

Consideration of Indiana Department of Health Post-Employment Waiver for:
Amber Denham
Presented by: Jordan Stover, Assistant Commissioner
Erin Elam, Ethics Officer
Indiana Department of Health

Amber Denham, Jordan Stover and Erin Elam are present and were sworn in.

Requesting a waiver for Ms. Denham to begin employment at ViaQuest Hospice. Ms. Denham had been assigned survey activity over ViaQuest but did not have decision making authority over survey activity but did not have final decision-making authority over tags or enforcement activity. Ms. Denham contacted the IDOH Ethics Officer, Erin Elam, to speak about her current personal situation and the possibility of an employment waiver to pursue an open position at ViaQuest. After speaking with the Ethics Officer, program director and division director she began the interview process with ViaQuest. At this point Ms. Denham was screened out of all survey activities involving ViaQuest and was instructed not to access IDOH documents or speak with other surveyors about ViaQuest. Ms. Denham hopes to secure a position with ViaQuest that involves Quality Assurance and Performance Improvement. Ms. Denham's proposed position with ViaQuest will not involve any contact with IDOH surveyors or survey activity. Ms. Denham has a special needs child which requires frequent medical appointments and medication changes. Ms. Denham has support from Erin Elam and Jordan Stover for this waiver.

A motion was made to approve and was seconded. Krauss/Gilroy 4-0

Consideration of Indiana Department of Transportation Post-Employment Waiver for:
Arianna Gill
Presented by: Michele Steele, Director of Compliance/Prequalification and Ethics Officer
Indiana Department of Transportation

Arianna Gill and Michele Steele appeared via Microsoft teams video and were sworn in.

Arianna Gill is requesting a waiver to begin employment at Lochmueller. Ms. Gill has served at the Environmental Supervisor in the Ft Wayne District of INDOT. Ms. Gill's primary roles and responsibilities have included final approval of all National Environmental Policy Act (NEPA) Documentation for the Capital Program that falls under a Programmatic Categorical Exclusion (CE), CE-1 and CE-2 level of documentation. Ms. Gill will serve as Environmental Document Preparer at Lochmueller. In that role, Ms. Gill

will be responsible for the proper documentation of all assigned projects. Ms. Gill will write Red Flag Investigations, Early Coordination Letters, Waters of the US Reports, and NEPA Documents and Commitments. Ms. Gill will also be responsible for any INDOT projects assigned to Lochmueller; in that she will prepare the documentation that she currently approves for INDOT. In her role at Lochmueller, Ms. Gill will complete environmental documentation for INDOT projects and will coordinate with the Indiana Department of Environmental Management, Indiana Department of Natural Resources, United States Fish and Wildlife Service (USFWS) and the United States Army Corp of Engineers. Ms. Gill will screen herself off Lochmueller's projects with INDOT in which she was assigned or had oversight while she worked at INDOT and must abide by all post-employment restrictions except those waived herein.

A motion was made to approve and seconded. Gill/Finnerty 4-0

Consideration of Indiana State Department of Agriculture Post-Employment Waiver for:
Thomas Harry Wilmoth
Presented by: Don Lamb, Director
Indiana State Department of Agriculture

Thomas Harry Wilmoth and Don Lamb were present and were sworn in.

Mr. Wilmoth's prospective employer is Tyson Foods, Inc. and his title would be Manager of Government Affairs. As the former Director of the Indiana Grain Buyers and Warehouse Licensing Agency, Mr. Wilmoth had substantial decision-making authority over policies and rules pertaining to the licensing and compliance of commercial grain buying and warehousing facilities in Indiana, in accordance with IC 26-3-7 and 824 IAC, and oversaw the work of the Indiana Grain Buyers and Warehouse Licensing Agency's licensing and inspection teams. In 2023, the Indiana Grain Buyers and Warehouse Licensing Agency was responsible for the licensing and compliance of over 350 commercial grain buying and warehousing operations transacting more than \$12.2 billion in grain purchases across Indiana. Mr. Wilmoth did not have substantial decision-making authority with respect to contracts. Mr. Wilmoth's position would involve lobbying, relationship management, and collaboration with key stakeholders, including local and state agencies and personnel in Indiana and seven other states across multiple regions of the United States. It would also involve significant internal responsibilities fostering engagement and growth across departments within the prospective employer.

A motion was made to approve and was seconded. Gill/Krauss 4-0

V. State Ethics Commission Director's Report

Regan Perrodin, State Ethics Commission Director, provided the following information to the State Ethics Commission:

The OIG has issued 17 Informal Advisory Opinions (IOAs) since the November meeting. Most of these IOAs dealt with post-employment, outside employment, conflicts of interest, and gifts.

VI. Adjournment

A motion to adjourn was made and approved. Krauss/Gill 4-0

Meeting adjourned at approximately 10:40.



Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

December 30, 2024

Ethics Commission

Office of the Inspector General

315 West Ohio Street, Room 104

Indianapolis, Indiana 46202

Via Email: Info@ig.in.gov

RE: Request for Formal Advisory Opinion for Sheila Paul

Dear Chairman Noel and members of the Ethics Commission:

The Indiana Department of Health ("IDOH"), on behalf of Sheila Paul, requests a Formal Advisory Opinion from the State Ethics Commission addressing whether it would be a conflict of interest for Sheila Paul to accept the position of Administrator at the Lake County Health Department where she will be working on the implementation of Health First Indiana initiatives for Lake County after serving as the Regional Director for Indiana's Northern Region.

Ms. Paul is being recruited by the Lake County Health Department to serve in the position of Administrator for that county. She has engaged in preliminary discussions with Lake County Health Officer, Dr. Chandana Vavilala about the position. She is interested in participating in the interview process which has not yet been scheduled.

Ms. Paul currently serves as the Regional Director for the Northern Region of Indiana, which includes Lake County. The Regional Director leads a team that assists and supports the counties with implementation of Health First Indiana. Health First Indiana is legislation passed in 2023 that provides state funds to local health departments to provide for the delivery of "core services" to county residents. Distribution of funds, how "core services" are defined and how the money should be spent are provided for in Indiana Code. Regional teams are in place to ensure

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that core public health services and programs are implemented effectively to protect the health of residents in the region. They review budgets and assist with the collection of data to ensure counties are in compliance with the requirements of Health First Indiana. Additionally, the teams include a public health nurse and representatives from various IDOH programs such as maternal and child health, environmental health, and food protection to assist counties with implementation of programs that deliver core services to their population. Neither the Regional Director or her team supervise or direct the work of the local health department staff, but rather supports them as requested. Specific to Lake County, Ms. Paul and her team met with the Lake County health department staff for a brainstorming and planning meetings to assist the local health department as they implemented programs involving immunizations, infant mortality, school health, and infectious disease.

Health First Indiana is not a contract or a grant with IDOH. The spirit of the legislation is to give counties the ability to make local decisions about how the funds are spent within the statutory requirements. IDOH is given an enforcement mechanism to suspend Health First Indiana funding in IC 16-46-10-6 if a county is not complying with: the local board of health's financial report, statutory directives, or rules adopted by the state department. While the regional teams would play a role in bringing concerns to the attention of IDOH leadership, decisions regarding enforcement would be made by the executive team at IDOH. Ms. Paul is not a position to make a regulatory or enforcement decision regarding any local health department.

Lake County has seven active contracts or grants with various divisions at IDOH. The contracts are at the division level in IDOH. The division directors are the owners of the contracts. Sheila Paul, as Regional Director, is not in a position to negotiate or sign these contracts or oversee the administration.

Ms. Paul possesses a depth of knowledge with public health and local government matters that is of value to both the State of Indiana and at the local level. Both IDOH and Lake County share the goal of utilizing Health First Indiana funding to bring the best core service delivery and health outcomes to the citizens of Lake County. Ms. Paul's role at IDOH had been to work hand in hand with local health departments to achieve these goals. She would be playing a similar role at the local level as Administrator of the Lake County Health Department.



Based on the information presented, I believe it is the best interest of citizens of the State of Indiana and Lake County for Ms. Paul to be allowed to accept the position of Administrator and continue working on the implementation of Health First Indiana on behalf of Lake County. Given the new and unique nature of this funding, we seek the guidance of the Commission on this matter.

Sincerely,

Erin R. Elam

Erin R. Elam
Staff Attorney and Ethics Officer
Indiana Department of Health

From: [Deane, Will](#)
To: [Elam, Erin R](#)
Subject: Ethics Informal Advisory Opinion; Elam (Paul); IDOH; Post-Employment
Date: Thursday, December 26, 2024 11:45:16 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
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Erin,

Thank you for contacting the Office of Inspector General (OIG) for confidential ethics advice. We understand that you serve as the Ethics Officer for the Indiana Department of Health (IDOH) and that you are seeking advice regarding an IDOH employee, Sheila Paul.

Sheila is currently an IDOH Regional Director in the northern region of Indiana but is considering a job offer to become Administrator of the Lake County Health Department (LCHD). In her current role as Regional Director, Sheila supervises IDOH regional support staff, coordinates public health activities with local health departments and IDOH divisions and provides support and technical assistance to local health departments, including helping them implement the Health First Indiana (HFI) funding initiative. Sheila also supervises IDOH regional support staff, coordinates public health activities with local health departments and IDOH divisions and serves as a resource for local health departments.

HFI is a legislative program that provides state funds to local health departments to fund the delivery of core services to county residents. The Indiana State Treasurer (Treasurer) disperses HFI funds directly to the counties as appropriate, in correspondence with the HFI statutory funding formula. There is no contract or grant in place between IDOH and local health departments related to this funding. You provide that IDOH staff does not make determinations on how much funding each county receives, what core services they spend it on or with whom they partner.

Although the County Commissioners vote on whether to opt-in to HFI, and the County Council approves the budget, IDOH has statutory enforcement authority if a local health department runs afoul of the local board of health's financial report, statutory directives or rules adopted by IDOH. In that event, IDOH will provide the local board of health, county executive, county fiscal body or local health department administrator a written notice of noncompliance with at least 30 days to cure. Should that time period expire and the local health department is still noncompliant with HFI, IDOH may suspend funding under its own discretion.

You provide that IDOH's intended role in HFI is supportive and advisory in nature, but this role has turned into a quasi-oversight role in which IDOH staff review partnerships, documents and budgets for compliance with the HFI statute. Sheila provides that in her quasi-oversight role, she reminds local health departments of deadlines, statutory requirements (i.e.,

the requirement that the budget must allocate no more than 40% to regulatory core services and no more than 10% to capital) and assists them with the submission process. After Sheila's regional IDOH team reviewed LCHD for HFI compliance, Sheila's team presented options for LCHD to combat high local infant mortality rates. These options focused on safe sleep campaigns, educational outreach and improved natal care. After considering IDOH's options, LCHD created their own internal metric to evaluate whether they were meeting their public health goals toward reducing infant mortality.

Sheila provides that since June 2023, she met twice per week with the LCHD staff to brainstorm and plan local programs addressing immunizations, infant mortality, school health and infectious disease. She also facilitated meetings between IDOH, partner subject matters experts and LCHD staff and attended meetings to brainstorm LCHD local core service delivery. Sheila's IDOH team also gathered LCHD health data, identified LCHD health priorities, reviewed LCHD HFI budgets for compliance without making recommendations for spending, connected with local partners who provide HFI core services, facilitated in-person workshops to explore HFI core services and hosted monthly virtual calls connecting local health departments to each other and subject matter experts.

Sheila's job duties for LCHD would include supervising the HFI program, public health nurses, administration and support staff and environmental health specialists. She would provide executive leadership and direction for LCHD's operations, programs and services. Sheila would be responsible for planning, implementing and evaluating public health initiatives to ensure the health and well-being of the community. She provides that in her prospective role, she would meet with local commissioners, council, board of health and community partners to educate them on local health programs, share information and promote collaboration. Sheila's prospective job role may include meeting with legislators, but not in a lobbying capacity.

We understand you are seeking advice regarding post-employment restrictions should Sheila accept the position, as well as any other restrictions that might apply. Your inquiry primarily invokes consideration of the following Code of Ethics (Code) rules: IC 4-2-6-11, the post-employment rule; IC 4-2-6-9, conflicts of interests related to decisions and votes; and 42 IAC 1-5-10 and 42 IAC 1-5-11, confidential information. We have included the relevant definitions and rules at the end of this opinion.

1. **IC 4-2-6-11 – Post-employment**

The post-employment rule (IC 4-2-6-11) consists of two separate limitations: a "cooling off" period and a particular matter restriction. Furthermore, this rule prohibits a state employee from accepting employment if it has been offered to influence the employee in his or her official capacity as a state employee.

A. Employment/compensation offer in exchange for influence on state duties

Under this section of the post-employment rule, a state employee is prohibited from accepting employment from an employer if the circumstances surrounding the hire suggest the employer's purpose is to influence him or her in his or her official capacity as a state employee. As long as the position with LCHD is not offered to Sheila to influence her in her official capacity as a state employee, then this prospective opportunity would not be in violation of this provision.

B. The "cooling off" period

The first prohibition, commonly referred to as the cooling off or revolving door period, prevents Sheila from accepting employment: (1) as a lobbyist, (2) from an employer with whom she was engaged in the negotiation or administration of a contract on behalf of any state agency and was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration or (3) from an employer for whom she made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary, until the lapse of 365 days from when she leaves state employment.

Regarding subsection (1), Sheila would not be able to work as an executive branch lobbyist for one year after leaving state employment. A “lobbyist” is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration (IDOA). Based on Sheila’s statement that her prospective employment with LCHD would not involve any lobbying in Indiana on LCHD’s behalf, this portion of the cooling off period would not apply to Sheila.

Nonetheless, we encourage Sheila to carefully review [IDOA’s Executive Branch Lobbying Manual](#) to learn about the types of interactions with members of the executive branch, including IDOH, that are considered executive branch lobbying. If she has any questions about the executive branch lobbyist rules, we also encourage her to contact IDOA’s Executive Branch Lobbying Director. She can find contact information at IDOA’s website: [Contact Executive Branch Lobbying](#).

As it relates to subsection (2), it does not appear that Sheila has negotiated or administered any contracts involving LCHD. Although Sheila was involved in LCHD meetings and HFI core service and budget reviews as an IDOH employee, you and Sheila provide that IDOH does not provide funding to LCHD through a contract or grant. Furthermore, you write that IDOH employees do not make determinations about how much HFI funding each county receives, what core services they spend it on or with whom they partner. As such, it does not appear that Sheila negotiated or administered a contract with LCHD *and* was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of a contract with LCHD. As such, subsection (2) of the rule would likely not apply to Sheila’s post-employment activity.

Also, based on the information you and Sheila provided, it does not appear that subsection (3) would apply to Sheila’s potential position with LCHD because she has not been in a position to make any regulatory or licensing decisions regarding LCHD in her position with IDOH.

Accordingly, the “cooling off” provision of this rule would not prohibit Sheila from immediately beginning employment with LCHD upon leaving state employment.

C. The particular matter restriction

The second prohibition, commonly referred to as the “particular matter” restriction, prevents a state employee from working on twelve types of matters listed in IC 4-2-6-11(a) if he or she personally and substantially participated in the matter as a state employee. These matters are 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project or 12) a public works project. The statute specifically excludes “the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application” from the definition of particular matter. The particular matter restriction is not limited to 365 days but instead extends for the *entire life of the matter at issue, which may be indefinite.*

As Regional Director with IDOH, Sheila and her team have participated in IDOH oversight, budget compliance and partnership review of LCHD's HFI implementation. In Sheila's prospective position with LCHD, she would provide direct supervision to the HFI program. Although the HFI program results in local health departments receiving state funds, these funds are not in the form of a contract or grant.

Accordingly, based on the information you provided, it is unclear whether the State Ethics Commission (Commission) would consider Sheila's involvement with LCHD's HFI implementation to be on a particular matter, and thus prevent Sheila from working on HFI implementation in her prospective position with LCHD. As a result, out of an abundance of caution, we recommend that Sheila seek a formal advisory opinion from the Commission to get a public and final determination on this matter. You can find instructions for submitting a request for a formal advisory opinion from the Commission on our [website](#).

Sheila also has the option to seek a post-employment waiver of the particular matter restriction from IDOH's Appointing Authority, Dr. Lindsay Weaver. A post-employment waiver would waive application of the post-employment rule and allow Sheila to start work with LCHD immediately upon leaving state employment. **Sheila would need to present this waiver to the Commission for approval at one of its monthly meetings prior to starting with LCHD. The requirements for a post-employment waiver are set out in IC 4-2-6-11(g).**

The next Commission meeting is scheduled for January 9, 2025, so Sheila would need to submit a request for a formal advisory opinion by December 30, 2024.

We encourage Sheila to contact IDOH's Ethics Officer, you, if Sheila would like a formal advisory opinion from the Commission or waiver from IDOH. Please feel free to contact our office as well if you have any questions regarding these options.

2. IC 4-2-6-9 – Conflicts of Interests Related to Decisions and Votes

IC 4-2-6-9 prohibits a state employee from participating in any decision or vote, or matter related to that decision or vote, if the employee has knowledge that various persons may have a "financial interest" in the outcome of the matter, including (1) the state employee himself/herself; (2) an immediate family member; (3) a business organization in which the employee is serving as an officer, director, a member, a trustee, a partner or an employee; and (4) any person or organization with whom the state employee is negotiating employment. The Code defines "financial interest" in IC 4-2-6-1(a)(11) to include "an interest . . . in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or . . . involving property or services." The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

The Commission has determined that employment negotiations begin when there is a back-and-forth exchange. LCHD has offered Sheila the role of Administrator. As a result, employment negotiations have begun for purposes of this rule, and Sheila is prohibited from participating in any decisions or votes, or matters related to such decisions or votes, in which LCHD would have a financial interest in the outcome.

As IDOH Regional Director, Sheila has been involved in meetings, brainstorming sessions, HFI budget and compliance review involving LCHD. Although Sheila provides that she is not in a position at IDOH to participate in votes, decisions or related matters in which LCHD has a financial interest, the advice and oversight Sheila provides in her IDOH role to LCHD to keep LCHD compliant with the HFI statute indicates Sheila is in a position at IDOH to participate

in matters in which LCHD has a financial interest in complying with the HFI statute. Further, IDOH has authority under IC 16-46-10-6 to take enforcement action against any Indiana county for failure to comply with the HFI statute.

Accordingly, Sheila likely has a conflict of interests, and she must follow the rule's notification requirements prescribed in IC 4-2-6-9(b) to avoid violating this rule.

Please note that mere recusal from the decision or vote is not enough. The rule also requires that Sheila notify IDOH's appointing authority, Dr. Lindsay Weaver, in writing and either (1) seek a formal advisory opinion from the Commission or (2) file a written disclosure form with our office in accordance with IC 4-2-6-9's notification requirements.

The disclosure form includes the proposed screen that will be in effect with respect to Sheila's interaction with LCHD for any remaining time she is employed by IDOH. If she does not accept an employment offer from LCHD, then the screen can be terminated. Please let us know if you have any questions about this process.

3. IC 4-2-6-6, 42 IAC 1-5-10 and 42 IAC 1-5-11 – Confidential Information

Sheila should keep in mind the ethics rules pertaining to confidential information found at IC 4-2-6-6, IAC 1-5-10 and 42 IAC 1-5-11. IC 4-2-6-6 prohibits a state employee from accepting any compensation from any employment, transaction or investment that was entered into or made as a result of material information of a confidential nature. So long as any compensation Sheila receives from LCHD does not result from information of a confidential nature that she learned in her position with IDOH, any such post-employment would not violate IC 4-2-6-6.

Sheila also should be aware of 42 IAC 1-5-10 and 42 IAC 1-5-11. These rules prohibit Sheila from benefitting from, permitting another person to benefit from or divulging information of a confidential nature except as permitted by law. Sheila provides that she does not anticipate LCHD requiring her to reveal confidential information. To the extent that Sheila would possess information of a confidential nature by virtue of her position with IDOH that could be used to benefit any person, including LCHD or its clients, Sheila will need to ensure that she complies with these rules.

IN CONCLUSION, based on the information you and Sheila provided, although Sheila likely would not be in violation of the Code's post-employment rule's cooling off provision, it is unclear whether the rule's particular matter restriction prevents Sheila from working on HFI implementation at LCHD; therefore, we recommend that Sheila seek a waiver of the post-employment rule's particular matter restriction from IDOH's appointing authority or a formal advisory opinion from the Commission to get a public and final determination on this matter. Also, Sheila likely has a conflict of interests with a prospective employer, and she must follow the rule's notification requirements prescribed in IC 4-2-6-9(b) to avoid violating this rule.

Thank you again for submitting your question to our office. Please note that this response does not constitute an official advisory opinion. Only the Commission may issue an official advisory opinion. This informal advisory opinion allows us to give you quick, written advice. The Commission will consider that an employee or former employee acted in good faith if it is determined that the individual committed a violation after receiving advice and the alleged violation was directly related to the advice rendered. Also, remember the advice given is based on the facts as we understand them. If this e-mail misstates facts in a material way, or omits important information, please bring those inaccuracies to our attention.

Thank you,

Will Deane
Office of Inspector General

IC 4-2-6-1 Definitions

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

...

(3) "Appointing authority" means the following:

(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.

(B) For the purposes of section 16 of this chapter, "appointing authority" means:

- (i) an elected officer;
- (ii) the chief administrative officer of an agency; or
- (iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

...

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

...

(11) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in that corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held;.

(B) which:

- (i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);
- (ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or
- (iii) is not in a public record, but if it were, would be confidential.

IC 4-2-7-1 Definitions

Sec. 1. The following definitions apply throughout this chapter:

...

(5) "Lobbyist" means an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under rules adopted by the Indiana department of administration.

IC 4-2-6-11 One year restriction on certain employment or representation; advisory opinion; exceptions; waivers; disclosure statements; restrictions on inspector general seeking state office

Sec. 11. (a) As used in this section, "particular matter" means any of the following:

- (1) An application.

- (2) A business transaction.
- (3) A claim.
- (4) A contract.
- (5) A determination.
- (6) An enforcement proceeding.
- (7) An investigation.
- (8) A judicial proceeding.
- (9) A lawsuit.
- (10) A license.
- (11) An economic development project.
- (12) A public works project.

The term does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application.

(b) A former state officer, employee, or special state appointee may not accept employment or receive compensation:

- (1) as a lobbyist;
- (2) from an employer if the former state officer, employee, or special state appointee

was:

- (A) engaged in the negotiation or the administration of one (1) or more contracts with that employer on behalf of the state or an agency; and
- (B) in a position to make a discretionary decision affecting the:
 - (i) outcome of the negotiation; or
 - (ii) nature of the administration; or

(3) from an employer if the former state officer, employee, or special state appointee made a regulatory or licensing decision that directly applied to the employer or to a parent or subsidiary of the employer; before the elapse of at least three hundred sixty-five (365) days after the date on which the former state officer, employee, or special state appointee ceases to be a state officer, employee, or special state appointee.

(c) A former state officer, employee, or special state appointee may not represent or assist a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state officer, employee, or special state appointee, even if the former state officer, employee, or special state appointee receives no compensation for the representation or assistance.

(d) A former state officer, employee, or special state appointee may not accept employment or compensation from an employer if the circumstances surrounding the employment or compensation would lead a reasonable person to believe that:

- (1) employment; or
- (2) compensation;

is given or had been offered for the purpose of influencing the former state officer, employee, or special state appointee in the performance of the individual's duties or responsibilities while a state officer, an employee, or a special state appointee.

(e) A written advisory opinion issued by the commission certifying that:

- (1) employment of;
- (2) consultation by;
- (3) representation by; or
- (4) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.

(f) Subsection (b) does not apply to the following:

- (1) A special state appointee who serves only as a member of an advisory body.
- (2) A former state officer, employee, or special state appointee who has:
 - (A) not negotiated or administered any contracts with that employer in the two (2) years before the beginning of employment or consulting negotiations with that employer; and
 - (B) any contract that:
 - (i) the former state officer, employee, or special state appointee may have negotiated or administered before the two (2) years preceding the beginning of employment or consulting negotiations; and
 - (ii) is no longer active.

(g) An employee's or a special state appointee's state officer or appointing authority may waive application of subsection (b) or (c) in individual cases when consistent with the public interest. A waiver must satisfy all of the following:

- (1) The waiver must be signed by an employee's or a special state appointee's:
 - (A) state officer or appointing authority authorizing the waiver; and
 - (B) agency ethics officer attesting to form.
- (2) The waiver must include the following information:
 - (A) Whether the employee's prior job duties involved substantial decision making authority over policies, rules, or contracts.
 - (B) The nature of the duties to be performed by the employee for the prospective employer.
 - (C) Whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee.
 - (D) Whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest.
 - (E) The extent of economic hardship to the employee if the request for a waiver is denied.
- (3) The waiver must be filed with and presented to the commission by the state officer or appointing authority authorizing the waiver.
- (4) The waiver must be limited to an employee or a special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation of subsection (b) or (c).

The commission may conduct an administrative review of a waiver and approve a waiver only if the commission is satisfied that the information provided under subdivision (2) is specifically and satisfactorily articulated. The inspector general may adopt rules under IC 4-22-2 to establish criteria for post employment waivers.

(h) Subsection (b) applies, subject to waiver under subsection (g), to a former state officer, employee, or special state appointee who:

- (1) made decisions as an administrative law judge; or
- (2) presided over information gathering or order drafting proceedings; that directly applied to the employer or to a parent or subsidiary of the employer in a material manner.

(i) A former state officer, employee, or special state appointee who forms a sole proprietorship or a professional practice and engages in a business relationship with an entity that would otherwise violate this section must file a disclosure statement with the commission not later than one hundred eighty (180) days after separation from state service. The disclosure must:

- (1) be signed by the former state officer, employee, or special state appointee;
 - (2) certify that the former state officer, employee, or special state appointee is not an employee of the entity; and
 - (3) state in detail the treatment of taxes, insurance, and any other benefits between the entity and the former state officer, employee, or state appointee.
- (j) The inspector general may not seek a state elected office before the elapse of at least three hundred sixty-five (365) days after leaving the inspector general position.

IC 4-2-6-9 Conflict of economic interests; commission advisory opinions; disclosure statement; written determinations

Sec. 9. (a) A state officer, an employee, or a special state appointee may not participate in any decision or vote, or matter relating to that decision or vote, if the state officer, employee, or special state appointee has knowledge that any of the following has a financial interest in the outcome of the matter:

- (1) The state officer, employee, or special state appointee.
- (2) A member of the immediate family of the state officer, employee, or special state appointee.
- (3) A business organization in which the state officer, employee, or special state appointee is serving as an officer, a director, a member, a trustee, a partner, or an employee.
- (4) Any person or organization with whom the state officer, employee, or special state appointee is negotiating or has an arrangement concerning prospective employment.

(b) A state officer, an employee, or a special state appointee who identifies a potential conflict of interest shall notify the person's appointing authority and ethics officer in writing and do either of the following:

- (1) Seek an advisory opinion from the commission by filing a written description detailing the nature and circumstances of the particular matter and making full disclosure of any related financial interest in the matter. The commission shall:
 - (A) with the approval of the appointing authority, assign the particular matter to another person and implement all necessary procedures to screen the state officer, employee, or special state appointee seeking an advisory opinion from involvement in the matter; or
 - (B) make a written determination that the interest is not so substantial that the commission considers it likely to affect the integrity of the services that the state expects from the state officer, employee, or special state appointee.
- (2) File a written disclosure statement with the commission that:
 - (A) details the conflict of interest;
 - (B) describes and affirms the implementation of a screen established by the ethics officer;
 - (C) is signed by both:
 - (i) the state officer, employee, or special state appointee who identifies the potential conflict of interest; and
 - (ii) the agency ethics officer;
 - (D) includes a copy of the disclosure provided to the appointing authority; and
 - (E) is filed not later than seven (7) days after the conduct that gives rise to the conflict.

A written disclosure filed under this subdivision shall be posted on the inspector general's Internet web site.

(c) A written determination under subsection (b)(1)(B) constitutes conclusive proof that it is not a violation for the state officer, employee, or special state appointee who sought an

advisory opinion under this section to participate in the particular matter. A written determination under subsection (b)(1)(B) shall be filed with the appointing authority.

IC 4-2-6-6 Present or former state officers, employees, and special state appointees; compensation resulting from confidential information

Sec. 6. No state officer or employee, former state officer or employee, special state appointee, or former special state appointee shall accept any compensation from any employment, transaction, or investment which was entered into or made as a result of material information of a confidential nature.

42 IAC 1-5-10 Benefiting from confidential information

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 10. A state officer, employee, or special state appointee shall not benefit from, or permit any other person to benefit from, information of a confidential nature except as permitted or required by law.

42 IAC 1-5-11 Divulging confidential information

Authority: IC 4-2-7-3; IC 4-2-7-5

Affected: IC 4-2-7

Sec. 11. A state officer, employee, or special state appointee shall not divulge information of a confidential nature except as permitted by law.

Will Deane

Staff Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

jdeane@ig.in.gov

317-234-4109

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From: Paul, Sheila <ShPaul@health.in.gov>

Sent on: Friday, December 20, 2024 6:17:15 PM

To: Elam, Erin R <EElam@health.in.gov>; Deane, Will <JDeane@ig.IN.gov>

Subject: RE: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Hello,

Thank you, Erin, for responding. Here are my responses to the first two parts.

- You mention that IDOH regional teams have had a quasi-oversight role, reviewing local health department partnerships, documents, and budgets for HFI statutory compliance.
 - Please describe these review actions in detail.
 - We ensure the local HFI budget meets statutory requirements, i.e., the local budget is dedicated to delivery of core public health services as outlined in statute. The budget must also allocate no more than 40% to regulatory core services and no more than 10% to capital. Our team works with them to ensure these requirements are met, but we do not instruct them what to spend their funding on.
 - We connect local health departments to local partners and subject matter experts to help them implement core service delivery. All decisions to move forward with a partner or program is for the local health department to make.
 - We ensure local health departments meet state KPI and activity reporting requirements, i.e., they must report state KPI progress by Dec 15, 2024. We remind them of deadlines and assist them with the submission process.
 - We assist them in developing their local KPIs to ensure they are properly formatted and metric based. They make the decision regarding which KPIs they choose to create.
 - Please describe the actions LCHD took after IDOH review
 - Lake county has an infant mortality rate higher than the state average. Our team recommended a KPI to improve this rate. IDOH subject matter experts recommended activities and obtainable goals to improve this rate. Our team presented options to the lake county health department, ie, safe sleep campaigns, educational outreach, and improved prenatal care. They considered our feedback and created their own KPI based on subject matter expertise. *Decrease the rate of mother's not receiving early prenatal care from 33.7% in 2022 to 28% in 2027.*

I hope this helps, thank you very much!

Sheila Paul (*she/her*) | **Regional Director**

Northern Region – Local Health Services

mobile: 317-646-0205

shpaul@health.in.gov

health.in.gov

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From: Elam, Erin R <EElam@health.in.gov>
Sent: Friday, December 20, 2024 12:54 PM
To: Deane, Will <JDeane@ig.IN.gov>; Paul, Sheila <ShPaul@health.in.gov>
Subject: FW: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Will, I've asked Sheila to work on the first part of your question. The answers to the second and third parts are below:

- What action would be taken from a local health department's failure to comply with the HFI statute?

Thus far, we have not taken an enforcement action against any Indiana county for failure to comply with HFI statute. We have not established internal process, but IC 16-46-10-6 established what IDOH may do if the situation arises:

16-46-10-6. Eligibility — Compliance requirements.

To remain eligible for funding under this chapter, a local board of health must maintain compliance with the financial report submitted under section 2.2 or 2.3 [IC 16-46-10-2.2 or IC 16-46-10-2.3] of this chapter, as applicable, and any other reporting requirements under this title. If the state department determines there are reasonable grounds to believe that a local board of health is not complying with:

- (1) the local board of health's financial report;
- (2) statutory directives; or
- (3) rules adopted by the state department;

the state department shall provide written notice of noncompliance to the local board of health, county executive, county fiscal body, and local health department administrator. The local board of health shall have at least thirty (30) days to demonstrate compliance or provide a plan for compliance that is approved by the state department. If, after thirty (30) days, the local board of health has not demonstrated compliance or provided a plan for compliance, the state department may suspend funding under this chapter for the local board of health until compliance is achieved, as determined by the state department. The state department shall report to the state budget committee each local board's funding that is suspended under this section within thirty (30) days of the suspension.

- Once a county approves opting into HFI funding:
 - Is the funding that a local health department would receive from HFI in the form of a contract or a grant?

No. This is not a contract or grant, it is state funding that is dispersed from the state treasurer to the counties. The funding amounts are

- determined by a formula in statute.
- If so, who are the named parties?
N/A
- Once a county approves opting into HFI, does that money go to the county, the local health department or someplace else?
The money is distributed to the county and deposited in a designated local health department fund.
- Does the HFI money flow through the State?
Yes.

Erin Elam | Staff Attorney & Ethics Officer

Office of Legal Affairs

office: 317-234-8361 • fax: 317-234-6278

eelam@health.in.gov

health.in.gov



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From: Deane, Will <JDeane@ig.IN.gov>

Sent: Friday, December 20, 2024 12:26 PM

To: Paul, Sheila <ShPaul@health.in.gov>; Elam, Erin R <EElam@health.in.gov>

Subject: RE: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Hi Erin and Sheila,

Thank you again for your request for an informal advisory opinion. To provide sound legal advice, we wanted to follow up once more with additional questions to wrap our minds around Sheila's role implementing HFI with IDOH and LCHD. Please reply with as much detail as possible in response to the following questions:

- You mention that IDOH regional teams have had a quasi-oversight role, reviewing local health department partnerships, documents and budgets for HFI statutory compliance.
 - Please describe these review actions in detail.
 - Please describe the actions LCHD took after IDOH review
- What action would be taken from a local health department's failure to comply with the HFI statute?

Thus far, we have not taken an enforcement action against any Indiana county for failure to comply with HFI statute. We have not established internal policy about what steps we would take, but IC 16-46-10-6 established what IDOH may do if the situation arises:

16-46-10-6. Eligibility — Compliance requirements.

To remain eligible for funding under this chapter, a local board of health must maintain compliance with the financial report submitted under section 2.2 or 2.3 [IC 16-46-10-2.2 or IC 16-46-10-2.3] of this chapter, as applicable, and any other reporting requirements under this title. If the state department determines there are reasonable grounds to believe that a local board of health is not complying with:

- (1) the local board of health's financial report;
- (2) statutory directives; or
- (3) rules adopted by the state department;

the state department shall provide written notice of noncompliance to the local board of health, county executive, county fiscal body, and local health department administrator. The local board of health shall have at least thirty (30) days to demonstrate compliance or provide a plan for compliance that is approved by the state department. If, after thirty (30) days, the local board of health has not demonstrated compliance or provided a plan for compliance, the state department may suspend funding under this chapter for the local board of health until compliance is achieved, as determined by the state department. The state department shall report to the state budget committee each local board's funding that is suspended under this section within thirty (30) days of the suspension.

- Once a county approves opting into HFI funding:
 - Is the funding that a local health department would receive from HFI in the form of a contract or a grant?

No. This is not a contract or grant, it is state funding that is dispersed from the state treasurer to the counties. The funding amounts are determined by a formula in statute.
 - If so, who are the named parties?

N/A
 - Once a county approves opting into HFI, does that money go to the county, the local health department or someplace else?

The money is distributed to the county and deposited in a designated local health department fund.
 - Does the HFI money flow through the State?

Yes.

Thank you in advance for your response. After acquiring the necessary information for your circumstances, we will provide you with our guidance as soon as we can.

Will Deane

Staff Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

jdeane@ig.in.gov

317-234-4109

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From: Paul, Sheila <ShPaul@health.in.gov>
Sent: Thursday, December 19, 2024 11:34 AM
To: Deane, Will <JDeane@ig.IN.gov>; Elam, Erin R <EElam@health.in.gov>
Subject: RE: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Hi Will,
The answer is NO to both questions.
Thank you!

Sheila Paul *(she/her)* | **Regional Director**
Northern Region – Local Health Services
mobile: 317-646-0205
shpaul@health.in.gov
health.in.gov



From: Deane, Will <JDeane@ig.IN.gov>
Sent: Thursday, December 19, 2024 9:40 AM
To: Paul, Sheila <ShPaul@health.in.gov>; Elam, Erin R <EElam@health.in.gov>
Subject: RE: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Good morning, Sheila,
Your quick response has been noted and incorporated into our analysis. We have two more

questions for you:

Have you made any regulatory or licensing decisions regarding LCHD in your position with IDOH?

Are you in a position to make regulatory or licensing decisions in your work at IDOH?

We thank you in advance for your reply and look forward to providing the advice you seek.

Sincerely,

Will Deane

Staff Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

jdeane@ig.in.gov

317-234-4109

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From: Paul, Sheila <ShPaul@health.in.gov>

Sent: Thursday, December 19, 2024 9:00 AM

To: Deane, Will <JDeane@ig.IN.gov>; Elam, Erin R <EElam@health.in.gov>

Subject: RE: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Good Morning,

Please see my responses below. Thank you for dedicating your time and effort to this inquiry.

- If Sheila accepts the Administrator position LCHD has offered, will LCHD require her to reveal confidential information learned while working or otherwise in her official capacity at IDOH?
 - I do not anticipate LCHD requiring me to reveal confidential information. If they inadvertently ask for any information that is not public knowledge, I will not offer a response. I value job integrity very much.
- Would Sheila be in a position at IDOH to participate in votes, decisions or matters in

which LCHD has a financial interest?

- No.
- Would Sheila be involved in any lobbying for LCHD?
 - I will not be lobbying IDOH or any other state agencies. I will meet with local commissioners, council, board of health, and community partners to educate them on local health programs, share informational and promote collaboration. I may also meet with legislators, but rather than lobbying, my role will strictly be information and supportive, ensuring transparency and alignment with ethical guidelines.
- How did Sheila find out about the job opportunity at LCHD?
 - The LCHD Health Officer approached me to consider the position when she learned the current administrator would be leaving. I will go through the interview process with all other applicants.

Thanks again,

Sheila Paul *(she/her)* | **Regional Director**

Northern Region – Local Health Services

mobile: 317-646-0205

shpaul@health.in.gov

health.in.gov



From: Deane, Will <JDeane@ig.IN.gov>

Sent: Wednesday, December 18, 2024 4:21 PM

To: Elam, Erin R <EElam@health.in.gov>

Cc: Paul, Sheila <ShPaul@health.in.gov>

Subject: RE Form Submission - Advice (Informal Advisory Opinion Request Follow-Up Questions)

Hello Erin,

Thank you again for reaching out with your request for an informal advisory opinion. We wanted to follow up to obtain the additional information necessary to provide you with thorough and precise legal advice. Please reply with as much detail as possible in response to the following questions:

- If Sheila accepts the Administrator position LCHD has offered, will LCHD require her

to reveal confidential information learned while working or otherwise in her official capacity at IDOH?

- Would Sheila be in a position at IDOH to participate in votes, decisions or matters in which LCHD has a financial interest?
- Would Sheila be involved in any lobbying for LCHD?
- How did Sheila find out about the job opportunity at LCHD?

Thank you in advance for your response. Once we receive information sufficient for your circumstances, we will provide you with our guidance as soon as possible.

Will Deane

Staff Attorney

Office of Inspector General

315 West Ohio Street, Room 104

Indianapolis, IN 46202

jdeane@ig.in.gov

317-234-4109

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From: Elam, Erin R <EElam@health.in.gov>

Sent: Wednesday, December 18, 2024 8:56 AM

To: Perrodin, Regan (IG) <RePerrodin@ig.IN.gov>

Cc: Paul, Sheila <ShPaul@health.in.gov>

Subject: Informal Advisory Opinion Request: Sheila Paul

Good morning, Regan-

I am requesting an informal advisory opinion for Sheila Paul, an IDOH employee working in the role of "Regional Director" in the northern region of Indiana working on the implementation of the Health First Indiana funding initiative. She has been offered the role of Administrator at the Lake County Health Department. Health First Indiana is legislation that provides state funds to local health departments to fund the delivery of "core services" to county residents. The legislation directs the distribution of funds, how "core services" is defined and how the money

should be spent. IDOH staff does not make determinations about how much funding each county receives, what core services they spend it on, or who they partner with. Those decisions are meant to be left to the counties, and IDOH staff meant to be supportive and advisory in nature. However, as this legislation and funding have rolled out, IDOH regional teams have had a quasi-oversight role, reviewing partnerships, documents and budgets for compliance with statute. IDOH is also legislatively task with enforcement should the money be misspent, though our enforcement powers are unclear. Those decisions are unlikely to be made at the regional team level, but they would be the one spotting and initially reporting the issue.

Attached are Sheila's current job description as well as the job description for Lake County Administrator are attached. Sheila wrote up a summary of her contact with Lake County during the past year and that is attached. We are seeking an informal advisory opinion to determine if Sheila will need a Post-Employment Waiver to accept the position and any other restrictions that might apply.

I've copied Sheila on this email, and she is happy to answer any follow up questions you might have.

Erin Elam | *Staff Attorney & Ethics Officer*

Office of Legal Affairs

office: 317-234-8361 • fax: 317-234-6278

eelam@health.in.gov

health.in.gov



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Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

December 30, 2024

Indiana State Ethics Commission
Office of the Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

RE: IC 4-2-6-11 Post-employment waiver

Indiana State Ethics Commission,

As the Appointing Authority of the Indiana Department of Health, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Sheila Paul in her perspective post-employment with the Lake County Health Department.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

To **promote**, **protect**, and **improve** the health and safety of all Hoosiers.



- X IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

Ms. Paul currently works in the role of "Regional Director" in the Northern Region of Indiana. Her role was created to assist with the implementation of the Health First Indiana funding initiative. Health First Indiana is legislation that provides state funds to local health departments to fund the delivery of "core services" to county residents. The legislation directs the distribution of funds, how "core services" is defined and how the money should be spent. The funding each county receives is determined by a calculation provided in statute. IDOH staff do not make determinations about how much funding each county receives, what core services they spend it on, or who they partner with. Those decisions are made at the county level, and IDOH staff, including Ms. Paul and the staff she supervises, are meant to serve in a supportive and advisory capacity. However, IDOH regional teams review partnerships, documents and budgets for compliance with statute. IDOH is also legislatively tasked with enforcement should the money be misspent. To date, there have been no enforcement actions involving Health First Indiana Funding. If a problem arises, Ms. Paul's role would be to bring the issue to the attention of IDOH leadership, who will ultimately decide how to proceed.

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.
1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

As Regional Director, Ms. Paul provides administrative and operational support for local health departments in a multi-county region in collaboration with IDOH. Her role is to ensure that core public health services and programs are implemented effectively to protect the health of residents in the region. Her position does not supervise nor directs the work of the local health department staff, but rather supports them as requested.



Ms. Paul supervises IDOH regional support staff, including a public health nurse, data analyst, finance analyst, and IDOH program specialist. She develops relationships and serves as an operational and training resource to all local health departments and as a liaison to connect local health departments to subject matter experts at the state level as needed and requested.

Ms. Paul provides feedback to local health departments about compliance with the Indiana statutes related to Health First Indiana. Primarily, this involves ensuring that the initiatives funded by local health departments that utilize Health First Indiana funding address core public health services as required. She often assists local health departments in navigating issues within their local government associated with the changes in their budget and guides local health departments with submitting the appropriate budget information and data regarding key performance indicators.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

The position of Administrator of the Lake County Health Department would provide executive leadership and direction for the department's operations, programs, and services. She would be responsible for planning, implementing, and evaluating public health initiatives to ensure the health and well-being of the community, including Health First Indiana Initiatives.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

If Ms. Paul accepts the position of Administrator at the Lake County Health Department, she is likely to have frequent contact with the regional team and will need to work with them on budget and data submission to comply with the requirement of Health First Indiana as they pertain to Lake County. She will also have occasional contact with IDOH subject matter experts as she plans and implements health initiatives in Lake County.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:



Health First Indiana is aimed at proving core public health services to the citizens of all of Indiana's counties. As Indiana's second most populous county, it is essential that the funding provided by Health First Indiana be put to use in effective ways that best serve the community. Ms. Paul's extensive experience with public health and her specialized knowledge of Health First Indiana will provide a huge benefit to the citizens of Lake County and ultimately can provide an important example and partner for the other counties in Indiana's Northern Region.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Denying the waiver request would not result in an immediate economic hardship to Ms. Paul. However, it would limit her job prospects in a way that would impact her ability to serve her community and to work positions that she is qualified for serving the residents of Indiana now and in the future. She would like the opportunity to improve health outcomes in the county where she both lives and works, addressing the needs of her neighbors and fostering healthier communities. Allowing Ms. Paul to accept this role supports her mission to serve the community, leveraging her deep local knowledge and genuine passion for making a difference.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

A handwritten signature in black ink that reads "Lindsay Weaver".

12/30/24

Lindsay Weaver, MD, FACEP

DATE



2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Erin R. Elam

Erin R. Elam

12/30/2024

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

Katherine Noel, Chair, State Ethics Commission

Date

Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to:

info@ig.in.gov

Upon receipt you will be contacted

DEC 27 2024

INDIANA STATE ETHICS COMMISSION



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
State Form 65880 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

Reset Form

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Paul	Name (first) Sheila	Name (middle)
Name of office or agency Indiana Department of Health		Job title Regional Director
Address of office (number and street) 2 N Meridian Street		City Indianapolis
Office telephone number (317) 846-0205		ZIP code 46204
Office e-mail address (required) shpaul@health.in.gov		

Describe the conflict of interest:


Ms. Paul works as Region Director for Northern District of Indiana. In this role she oversees a team assisting and supporting local health department with the implementation of funding for core services delivery under the Health First Indiana legislation. Though this funding is not considered a contract or grant, Indiana counties must comply with the requirements of Health First Indiana to receive the funding. Ms. Paul and her team work with the counties in their region to review documents and budgets and to offer supportive services to ensure compliance with the Health First Indiana legislation. Ms. Paul has been approached by the Local Health Officer in Lake County, Dr. Chantana Vavilala about taking on the role of Health Administrator in Lake County. At this point, Ms. Paul has discussed salary with Dr. Vavilala and would be entering the interview process for this position.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Ms. Paul has discussed the situation with Pam Pontones, Deputy Health Commissioner and Ms. Pontones will be assuming communication with Dr. Vavilala during this process. Ms. Paul has also discussed the ethics implications with D. Vavilala and ask that she communicate directly with Ms. Pontones regarding Health First Indiana and other IDOH matters.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee	Date signed (month, day, year)
	12-26-24
Printed full name of state officer, employee or special state appointee	
Sheila Paul	

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer	Date signed (month, day, year)
	12/27/2024
Printed full name of ethics officer	
Erin R. Elam	

From: [Elam, Erin R](#)
To: [Weaver, Lindsay](#)
Cc: [Kent, Amy \(IDOH\)](#); [Ferguson, Jon](#)
Subject: Sheila Paul-Conflict of Interest Disclosure
Date: Friday, December 27, 2024 9:14:00 AM
Attachments: [image013.png](#)
[Sheila Paul COI Disclosure- signed.pdf](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)

Good morning, Dr. Weaver-

Dr. Vavilala in Lake County is actively recruiting Regional Director, Sheila Paul, to become her administrator. Sheila is considering this position and has discussed salary and the interview process with Dr. Vavilala. During this process, Pam Pontones will be doing any needed communication with Lake County on HFI matters. We will be filing the attached Conflict of Interest Disclosure with the State Ethics Commission. Additionally, at the advice of the OIG, we will be pursuing a formal advisory opinion and a post-employment waiver regarding Sheila's prospective employment.

Erin Elam | *Staff Attorney & Ethics Officer*

Office of Legal Affairs

office: 317-234-8361 • fax: 317-234-6278

eelam@health.in.gov

health.in.gov



Confidentiality Statement: This message and any attachments may be confidential. If you are not the intended recipient, please 1) notify me immediately; 2) do not forward the message or attachment; 3) do not print the message or attachment; and 4) erase the message and attachment from your system.



Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

December 30, 2024

Ms. Katherine Noel, Chair
Indiana State Ethics Commission
315 W Ohio Street, Room 104
Indianapolis, IN 46202

Subject: Waiver of post-employment restriction for Sheila Paul

Dear Ms. Noel:

As the State Health Commissioner, I am writing to you to express my support and approval of the Indiana Department of Health's (IDOH) waiver of post-employment restrictions for Sheila Paul's proposed employment with the Lake County Health Department.

I regret that I am unable to appear in person to present the waiver. I understand that IC 4-2-6-11(g) requires the state appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the meeting on January 9, 2024. Deputy Chief of Staff, Jon Ferguson, will attend the Commission meeting on my behalf.

I fully support and approve this waiver. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads 'Lindsay Weaver'.

Lindsay Weaver, MD, FACEP
State Health Commissioner

cc: Indiana Office of Inspector General

To **promote**, **protect**, and **improve** the health and safety of all Hoosiers.

2 North Meridian Street • Indianapolis, Indiana 46204 • 317-233-1325 • health.in.gov

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January 3, 2025

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

IC 4-2-6-11

Post-employment waiver: Brian Rockensuess

As the Appointing Authority of the Commissioner of the Indiana Department of Environmental Management (IDEM), I am filing this waiver of the application of a certain post-employment restriction of the Code of Ethics as it may apply to Brian Rockensuess (hereinafter, "Rockensuess") in his desired post-employment opportunity with Keramida, Inc. (Keramida).

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

Initial Comments: Rockensuess desires to accept the position of President of Keramida, which is a sustainability and environmental health and safety consulting firm based in Indianapolis. Rockensuess was notified by Governor-elect Braun's transition team that he will not be reappointed as IDEM's Commissioner, leaving him in the position of having to seek other employment.

This waiver request pertains to one aspect of the "cooling-off" period set forth in IC 4-2-6-11(b)(2), as further discussed below. With respect to those post-employment restrictions for which a waiver is not being sought here, Rockensuess affirms that will comply with same, and, if necessary and appropriate, effectuate a proper screen in connection therewith.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives application of (Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Answer: As IDEM's Commissioner, Rockensuess has general oversight of the agency, which includes substantial decision-making authority over policies, rules, and contracts. That said, in practice, Rockensuess, during his tenure as Commissioner, has had minimal involvement with respect to contracts, including, but not limited to, those between IDEM and Keramida. While Rockensuess can, and occasionally does, sign contracts, he does *not* negotiate or administer contracts on behalf of IDEM. In fact, day-to-day contracting matters are normally delegated to, or handled by, other IDEM employees.

First, under the ethics rule for the 365-day "cooling-off" period, IC § 4-2-6-11(b)(2), there are four specific prohibitions, only one of which may be triggered here. With respect to the first prohibition, Rockensuess' potential position with Keramida will not involve executive branch lobbying. As for the second and third prohibitions, Rockensuess, during his time at IDEM, has not made a regulatory or licensing decision directly applicable to his potential employer, Keramida. The final prohibition, however, involves the subject of agency contracts and is discussed in greater detail below.

For purposes of this evaluation, it is important to note the prohibition regarding contracts is a two-part test. To be triggered, the statute specifically requires that the state employee in question must have been "engaged in the negotiation or administration of a contract *and* was in a position to make a discretionary decision affecting the outcome of such negotiation or administration." IC § 4-2-6-11(b)(2). Under Indiana law, it is well-established that words in a statute must be taken in their plain, ordinary and literal meaning, and effect must be given to every word; indeed, no word should be considered superfluous, void, or insignificant, as each word is presumed to have a purpose. Therefore, the conjunctive "and" clearly establishes this statutory language as creating a two-part test.

Here, in the situation involving Rockensuess, both parts of the test are likely triggered, thus the need for a waiver. As noted above, Keramida is a sustainability and environmental health and safety consulting firm based in Indianapolis and it provides services to IDEM that are tangential to core agency directives; namely, maintaining the grounds and facilities of IDEM cleanup sites. We also note that Keramida has been a contractor with IDEM for many years, and occasionally bids on IDEM contract opportunities. For example, Keramida has a contract with IDEM to provide the Keystone Corridor Groundwater Contamination Vapor Intrusion Mitigation System, as

well as Operation and Management Services, which is administered by the IDEM Office of Land Quality.

In light of the above and out of an abundance of caution, we are respectfully requesting a waiver of the potential application of the "cooling-off" period here.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Answer: In his role as President of Keramida, Rockensuess would perform the typical duties for that type of executive-level position, including, for example, but not limited to: (1) being primarily responsible for supervising the company's employees; (2) managing those employees and the effort in general; (3) playing an instrumental role in establishing and meeting the company's goals and objectives; (4) evaluating and managing the overall operations under his purview; (5) growing the sustainability arm of the company, as well as building relationships with businesses that could utilize or benefit from Keramida's services; and (6) being accountable to Keramida's CEO. In addition, his responsibilities will involve employees, offices, and clients across the United States and other countries, as more particularly described below.

In terms of background, Keramida was established in 1988 in Indianapolis. It is a certified woman-owned consulting firm that advises industry, businesses, financial institutions, and governments worldwide. It employs over 130 professionals throughout the United States, and it has offices not only in Indianapolis, but also in Pittsburgh, New York, Los Angeles, Sacramento, and Camas; and Keramida's multi-disciplinary team of engineers, scientists, CPAs, and economists provide strategy, implementation, compliance, reporting, and assurance services. Indeed, Keramida is an industry leader with a focus on groundbreaking research, innovative solutions, and sustainability.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Answer: Rockensuess' position with Keramida will *not* involve substantial contact with IDEM. Indeed, he will not engage in executive branch lobbying, including as to IDEM, during the one-year "cooling-off" period after he leaves state employment. And after that one-year period expires, any contact that Rockensuess may have would be reasonable, necessary, and in-line with the type of contact that any environmental consulting firm may have with IDEM. Also, Rockensuess' understanding of his new position is that Keramida's interactions with IDEM would primarily be handled by others at the company, not him.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Answer: Rockensuess has served in the environmental field for approximately 11 years, and thus has extensive knowledge and expertise in connection with same. The positions he has held at IDEM over the years have included: Business, Agricultural & Legislative Liaison, Government Affairs Director, Chief of Staff, and Commissioner. Again, importantly, the position Rockensuess would be accepting has a significant impact outside of the State of Indiana, as noted above. Thus,

Rockensuess' role as Keramida's President would ensure that his knowledge and expertise in the important field of environmental management and sustainability shall continue going forward, serving other states and local governments, thus helping on a larger scale and benefiting not only the public, but also businesses, financial institutions, and governments, as noted above. Lastly, while at IDEM, Rockensuess has had limited involvement with Keramida contracts over the years, and in his new role he will be screened from involvement with IDEM for the applicable one-year period required by our Code of Ethics.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Answer: Rockensuess' extensive experience, as well as his unique knowledge and expertise, establish him as a prominent and effective leader in the environmental arena. If this waiver were to be denied, Rockensuess would suffer economic hardship as it would take away an important opportunity from him for which he is remarkably well-suited. This position presents a logical next step in his career and would be one of significance where he can make the type of large-scale impact that he desires. Finding a high-level position such as this one is a difficult endeavor, and denying him this position would likely cause a significant delay before he finds the next one; thus, he may be out of work for a material period of time that would be financially detrimental to him and his family. It's also possible that a comparable job opportunity might only be found out-of-state, in which event Indiana would lose a significant environmental leader. We believe the above-referenced reasons weigh in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

C. Signatures

1. Appointing authority/state officer of agency:

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



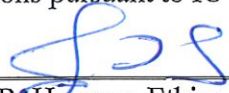
Earl A. Goode, Appointing Authority

1/3/25

DATE

2. Ethics Officer of agency:

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Joseph R. Heerens, Ethics Officer

1/3/25

DATE

D. Approval by State Ethics Commission:

<p>FOR OFFICE USE ONLY</p> <p>Approved by State Ethics Commission</p> <p>_____ Katherine Noel, Chair, State Ethics Commission</p> <p>_____ Date</p>
--

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.

Conflict of Interest Disclosure for Indiana Department of Environmental Management Commissioner Brian Rockensuess

Description of Potential Conflict of Interest

Indiana Department of Environmental Management (IDEM) Commissioner Brian Rockensuess has engaged in employment discussions with American Water, a water utility company with whom IDEM has a regulatory relationship; Keramida, Inc., an environmental health and safety consultant firm; and the Indiana Chamber of Commerce—hereinafter referred to collectively as the "Parties." Commissioner Rockensuess' main duty is oversight of the agency and all of its environmental programs. IDEM manages the permitting, compliance, monitoring, and enforcement activities for environmental programs including the Clean Air Act; Clean Water Act; Safe Drinking Water Act; Resource Conservation Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. As Commissioner, he ensures that all agency regulatory programs are running efficiently and meeting performance goals. One of his duties as Commissioner is to meet and discuss what the agency is doing with stakeholders including: members of the public, industry (including consultants), industry associations, and environmental groups. Commissioner Rockensuess is also the final IDEM signatory for all contracts that meet or exceed \$100,000.00 in consideration.

As detailed in the following section, Commissioner Rockensuess has a potential conflict of interest with Keramida, Inc. regarding his outreach to stakeholders and his contract signatory duties. With respect to American Water and the Indiana Chamber of Commerce, Commissioner Rockensuess does not participate in decisions, votes, or matters pertaining to the Parties in his usual course of business at IDEM. Though IDEM does not assert Commissioner Rockensuess' participation in any of the above to be a conflict of interest, given his authority at IDEM, he is disclosing these potential conflicts of interest and will follow the restrictions set out in the screening protocol contained in this attachment while working at IDEM.

Disclosure Information Specific to Keramida

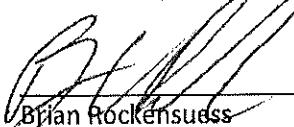
Commissioner Rockensuess has maintained an "open door" policy in regards to meeting with stakeholders to discuss agency plans on specific topics. As a public servant of 16 years, he has made it his goal to engage in those discussions whenever requested. He has met with members of the general public, industry (including consultants such as Keramida), regarding agency activities, potential legislation, and other issues that may impact agency functions or the citizens of the state, in an effort to maintain transparent and open relationships with both the regulated community and any interested parties who may wish to discuss agency functions. Commissioner Rockensuess is disclosing these purely out of an abundance of caution and neither he, nor IDEM asserts the above to be a conflict of interest or violation of the post-employment restrictions.

IDEM has multiple contracts with Keramida and, as agency head, Commissioner Rockensuess has been "in a position to make a discretionary decision affecting the outcome of the negotiation and nature of the administration" regarding those agreements. While IDEM acknowledges that Commissioner Rockensuess is in such a position, IDEM asserts that Commissioner Rockensuess has been neither personally nor substantially "engaged in the negotiation or administration of one

or more contracts with [Keramida] on behalf of the State or IDEM." The actual activity relating to the determination of whether to enter into a contract is dealt with by the IDEM Office of the Chief of Staff, Finance Division. The signature of the Commissioner is the final required step necessary to move the contracting process along, and only when the agreement meets or exceeds \$100,000.00 in consideration. Further, these agreements are for services tangential to the core, regulatory directives of IDEM. These contracts involve maintenance activities such as lawn mowing and fence repair on sites where IDEM is performing remedial activities. For purposes of transparency, Commissioner Rockensuess will, in order to timely move forward with employment discussions, file a post-employment waiver and seek approval for the waiver from the State Ethics Commission.

**Protocol to Screen the Indiana Department of Environmental Management's
Commissioner Brian Rockensuess
from Any Matters Regarding American Water, the Indiana Chamber of Commerce, and
Keramida, Inc.**


1. Commissioner Brian Rockensuess shall not participate in any matters in which any of the Parties has a financial interest. If any matters should arise pertaining to any of the Parties, Commissioner Rockensuess shall immediately assign the matter to either IDEM Chief of Staff Parvonay Stover, or an employee with sufficient expertise, experience, and/or authority.
2. Commissioner Rockensuess shall recuse himself from any meeting, or from the portion of any meeting, at IDEM in which discussions specific to the Parties, or in which any of their clients or interests are discussed or are expected to be discussed.
3. Commissioner Rockensuess shall not discuss any matter involving the Parties, or any of their clients or interests, with any other IDEM employee, except to give effect to this screen.
4. As Commissioner Rockensuess does not have a direct supervisor, he will notify in writing all employees directly reporting to him that they are not to discuss with him any matters involving the Parties, or any of their clients, nor send him any emails concerning the Parties, except to give effect to this screen.
5. Commissioner Rockensuess shall not participate in decisions regarding or relating to the Parties, or any of their clients or interests.
6. Commissioner Rockensuess shall not access any correspondence or files relating to or involving the Parties, or any of their clients or interests, either during his hours of work at IDEM or by utilizing State equipment. Such documents, if not a matter of public record in IDEM's Virtual File Cabinet, shall be housed with the employee assigned to the matter or kept where Commissioner Rockensuess does not have access to alter the documents.
7. Commissioner Rockensuess shall immediately inform IDEM Ethics Officer James French if any provision of this screening protocol is violated.
8. All signatories to this screening protocol shall review it within thirty (30) days from the date of the last signature to ensure it has been followed and determine if the circumstances have changed to make the protocol no longer necessary.



Brian Rockensuess
Commissioner of IDEM

12/27/24

Date



James French Ethics Officer
Office of Legal Counsel

12/27/2024

Date

Disclosure, Screen, and Draft Notice to Appointing Authority

From Rockensuess, Brian <BRockens@idem.IN.gov>

Date Fri 12/27/2024 3:04 PM

To Goode, Earl <EGoode@gov.IN.gov>

Cc Jankowski, Jane <JJankowski@gov.IN.gov>; Heerens, Joe <JHeerens@gov.IN.gov>; French, James M <JFrench@idem.IN.gov>; KING, NANCY <NKING@idem.IN.gov>

 1 attachment (1 MB)

Disclosure and Screen for Brian Rockensuess '24.pdf;

Mr. Goode,

This email serves as notification to the appointing authority per IC 4-2-6-9(b)(2)(D) that IDEM Commissioner Brian Rockensuess has a potential conflict of interest. Commissioner Rockensuess has engaged in employment discussions for legislative lobbyist roles with both the Indiana Chamber of Commerce and with American Water, a water utility company with whom IDEM has a regulatory relationship, as well as for the position of President of Keramida, Inc., an environmental health and safety consultant firm. Per IC 4-2-6-9, IDEM is instituting the following to ensure Commissioner Rockensuess is screened from any potential conflict of interest with any of these parties. Commissioner Rockensuess and I have discussed IC 4-2-6-9; he will file a written disclosure to the Office of the Inspector General and we will implement a screening protocol at IDEM, see attached. Please reach out if you have any questions, thanks.

Best,

Michael

James Michael French

Attorney | IDEM

Tel: (317) 234-2170

Email: jfrench@idem.in.gov

Sincerely,

BRIAN C. ROCKENSUESS ● COMMISSIONER
Indiana Department of Environmental Management
100 N. Senate Ave. ● Indianapolis, IN 46204
Phone: (317) 233-2550
brockens@idem.in.gov ● www.in.gov/idem



INDIANA



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for Brian Rockensuess

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for Indiana Department of Environmental Management Commissioner Brian Rockensuess. Enclosed herewith, I am hereby submitting a post-employment waiver for Commissioner Rockensuess.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also hereby designate James Michael French, Attorney & Ethics Officer for the Indiana Department of Environmental Management, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

IC 4-2-6-11

Post-employment waiver: Michael Smith

As Appointing Authority of the Commissioner of the Indiana Department of Transportation (INDOT), I am filing this waiver of the application of a certain post-employment restriction of the Code of Ethics as it may apply to Michael Smith (hereinafter, "Smith") in his desired post-employment opportunity with HNTB.

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

Initial Comments: Smith desires to accept the role of National Practice Consultant (DOT) at HNTB. Smith was notified by Governor-elect Braun's transition team that he will not be reappointed as INDOT's Commissioner, leaving him in the position of having to immediately seek other employment. This waiver pertains to one aspect of the one-year "cooling off" period set forth in IC § 4-2-6-11(b)(2), as more particularly described below. As to those post-employment restrictions for which a waiver is not being sought here, Smith will comply with same, and, if necessary and appropriate, effectuate a proper screen in connection therewith. Further, he is aware of, and will fully honor and comply with, the requirements of the Indiana Code of Ethics pertaining to confidentiality of material information and not disclosing or using same. IC § 4-2-6-6.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives application of (Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Answer: Smith has worked for INDOT for nearly a decade, first as the Greenfield District Deputy Commissioner, then as Chief Operating Officer and Chief Financial Officer, before eventually becoming the Commissioner. He has served as Commissioner for approximately two (2) years. As Commissioner, he has general oversight of the agency, which includes substantial decision-making authority over policies, rules, and contracts. INDOT awards hundreds of opportunities through its competitive bidding process each year, has a tiered management structure, and all contracts are administered out of various INDOT divisions.

First, under the ethics rule for the 365-day cooling-off period, IC § 4-2-6-11(b)(2), there are four specific prohibitions, only one of which may be triggered here. With respect to the first prohibition, Smith's potential position with HNTB will not involve executive branch lobbying. As for the second and third prohibitions, Smith, during his time at INDOT, has not made a regulatory or licensing decision directly applicable to his potential employer, HNTB. The final prohibition, however, involves the subject of agency contracts and is discussed in greater detail, below.

For purposes of this evaluation, it's important to note the prohibition regarding contracts is a two-part test. To be triggered, the statute specifically requires the state employee in question must have been "engaged in the negotiation or administration of a contract *and* was in a position to make a discretionary decision affecting the outcome of such negotiation or administration." IC 4-2-6-11(b)(2). Under Indiana law, it is well-established that words in a statute must be taken in their plain, ordinary, and literal meaning, and effect must be given to every word; indeed, no word should be considered superfluous, void, or insignificant, as each word is presumed to have a purpose. Thus, the conjunctive "and" clearly establishes this statutory language as creating a two-part test.

Here, in the situation involving Smith, both parts of the test are likely triggered, thus the need for a waiver. HNTB is an engineering consulting firm, has been a vendor with INDOT since at least 2000, regularly bids on INDOT contract opportunities, and has many active contracts with INDOT. In particular, HNTB has a contract with INDOT to provide consulting services, which is administered by INDOT's Capital Program Department. A task order on that contract requires

HNTB to provide advice about funding options for INDOT's road work (that specific task order is directly administered by INDOT's Chief of Staff Division). Notably, Smith directly handled conversations about road funding on behalf of INDOT, aided by HNTB's advice pursuant to the task order under this contract. Smith has also been involved in strategy and advisory meetings with HNTB for the work that HNTB was hired to complete pursuant to the task order, and, as agency head, was in a position to make a discretionary decision affecting the outcome of the administration of the task order.

For transparency purposes, we also wanted to disclose the following. More than two (2) years ago, Smith served as INDOT's Chief Financial Officer, Chief Operating Officer, and Greenfield District Deputy Commissioner. In those roles, he attended various meetings with vendors, including HNTB. He does not recall signing any contracts involving HNTB during that time, and INDOT's tiered management structure is such that any such contracts would have been negotiated and administered by lower divisions, not Smith. Furthermore, we want to disclose that Smith, when he was Chief Operating Officer, was the supervisor of a division director who administered an HNTB contract to provide advice about tolling on the Ohio River Bridge. That contract is still active, but Smith's supervision in that regard ended more than two (2) years ago.

Thus, to the extent that Smith could be considered to have administered, or participated in the administration of, the HNTB consulting services contract, or other HNTB contracts, we respectfully request that a waiver of the "cooling off" period be granted for same.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Answer: In his role as HNTB's National Practice Consultant, Smith would be responsible for advising HNTB's clients who are leaders in departments of transportation located throughout the United States, about transportation-related issues. In addition, he would help manage client relationships and guide the application of HNTB services to best serve the interests of clients, provide leadership on complex projects within certain practice areas, be responsible for successful contracting and project execution, work closely with regional HNTB staff, and identify and execute high-level projects within assigned departments, agencies, and programs.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work of the employee:

Answer: Smith's position with HNTB would *not* involve substantial contact with INDOT. His potential position is a national role, and HNTB, through its Vice President for National Practice, will screen Smith from any contact and work involving INDOT, thus helping to ensure compliance with applicable post-employment restrictions. Smith notes that it's possible he could come across INDOT employees at national conferences/events, but those interactions, if they occur, would clearly not rise to the level of "substantial contact". Indeed, Smith has indicated he will not work on any matters related to INDOT during the applicable one (1) year "cooling-off" period after he leaves state employment.

- 4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:**

Answer: Smith has served in the transportation field for nearly ten (10) years, and thus has extensive knowledge and expertise in connection with same. His expertise as a transportation professional and leader is invaluable, as virtually everyone across the country utilizes various transportation methods (e.g., roads, highways, bridges, rail, etc.) every single day. Again, the role Smith would be accepting is a national position that has national impact. Therefore, Smith's role with HNTB will ensure that his knowledge and expertise in this important field will continue to be utilized in a beneficial way going forward, serving numerous states, as well as state and local agencies, that HNTB works with across the country, thus helping on a larger scale and benefiting the public and departments of transportation located outside of Indiana. Lastly, as noted above, Smith has had limited involvement with HNTB's contracts over the years, and will be screened from involvement with INDOT for the applicable one-year "cooling-off" period required by the Indiana Code of Ethics.

- 5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:**

Answer: Notably, Smith has spent a significant portion of his career working in different roles for INDOT. Continuing in the transportation field is a natural, and logical, next step in the evolution of his career, and to be barred or prevented from accepting this HNTB position would take away an important opportunity from him, leaving him to look for employment elsewhere, in other fields, for which he would have little or no experience. And employment that would not utilize Smith's knowledge and expertise would be a great loss not only to him, but also to the public and to the transportation field in general. Smith has five children to support and needs to continue working in a role at a similar level in order to provide for his family. Not granting this waiver would almost certainly cause major economic hardship to Smith, especially in the short-term, but also in terms of the level of position he could obtain or the salary he would earn in another field. We believe that the above-referenced reasons weigh heavily in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

C. Signatures

1. Appointing Authority/state officer of agency:

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee who obtains the waiver before engaging in the conduct that would give rise to a violation.




Earl A. Goode, Appointing Authority

1/3/25

DATE

2. Ethics Officer of agency:

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Joseph R. Heerens, Ethics Officer

1/3/25

DATE

D. Approval by State Ethics Commission:

FOR OFFICE USE ONLY

Approved by State Ethics Commission

Katherine Noel, Chair, State Ethics Commission

Date

Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
 State Form 55860 (R / 10-15)
 OFFICE OF THE INSPECTOR GENERAL
 IC 4-2-6-9

FILED

JAN 06 2025

INDIANA STATE
 ETHICS COMMISSION

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Smith	Name (first) Michael	Name (middle) J.	
Name of office or agency INDOT		Job title Commissioner	
Address of office (number and street) 100 N. Senate Ave. Room N758		City Indianapolis	ZIP code 46204
Office telephone number (855) 463-6848	Office e-mail address (required) michael.smith@indot.in.gov		

Describe the conflict of interest:
 Michael Smith is the Commissioner of INDOT. Mr. Smith is in negotiations with HNTB to accept a position as a National Practice Consultant. HNTB is an INDOT vendor. Mr. Smith does not sign contracts in his current role. Mr. Smith is seeking a waiver of post-employment restrictions at the upcoming State Ethics Commission Meeting. Until the State Ethics Commission provides a decision, Mr. Smith has agreed to and executed a formal screen. Said screen prohibits Mr. Smith from working with HNTB in his capacity as an INDOT employee, including exercising any of his official duties or otherwise participating in any decision, vote, or matter related to such decision or vote, related to HNTB or for which HNTB has any interest. Mr. Smith has agreed to be further screened from assisting any future employer, including HNTB, with any matter in which he personally and substantially participated while employed at INDOT. This screen can be revised, as needed, after the State Ethics Commission issues its decision. This disclosure was provided to Michael Smith's appointing authority for purposes of this matter on January 6, 2024. Evidence of said disclosure to the appointing authority was executed and filed with the State Ethics Commission.

Describe the screen established by your ethics officer. (Attach additional pages as needed.)

Area for describing the screen established by the ethics officer, consisting of multiple horizontal dashed lines.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Mr. J. Smith

Date signed (month, day, year)

1/6/2025

Printed full name of state officer, employee or special state appointee

Michael J. Smith

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Kate Shelby

Date signed (month, day, year)

1/6/2025

Printed full name of ethics officer

Kate Shelby

CONFLICT OF INTEREST SCREEN FOR MICHAEL J. SMITH

MS
1/6/2025

I. RECITALS

WHEREAS, Michael J. Smith is the Commissioner for the Indiana Department of Transportation (“INDOT” or “Department”); and

WHEREAS, Smith is considering potential employment with HNTB, an engineering consulting firm, and

WHEREAS, HNTB has business relationship with INDOT, including active contracts; and

WHEREAS, as Commissioner for INDOT, it is possible that Smith could possibly participate in matters in which HNTB has an interest as part of his regular duties; and

WHEREAS, Smith’s employment negotiations with HNTB created a potential decision and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, pending final decision by the State Ethics Commission, Smith is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers, including HNTB, with any matter he personally and substantially participated in for INDOT; and

WHEREAS, Smith obtained confidential information in the course of his employment with INDOT and has an affirmative duty to protect such information from disclosure and to refrain from relying on such information for the benefit of himself or future employers.¹

NOW THEREFORE, Smith, for his remaining tenure with INDOT, or until he discontinues employment negotiations with HNTB, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Smith must adhere to terms three (3) and four (4) regarding the particular matter restriction and confidential information in perpetuity.

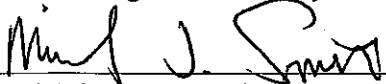
II. CONFLICT OF INTEREST SCREEN

1. Michael J. Smith shall not participate in any decision or vote, or any matter related to such decision or vote, in which HNTB has a financial interest.
2. Michael J. Smith is screened from participating in any present or future contract or other matter involving HNTB.
3. Michael J. Smith shall not assist any future employers, including HNTB, with any matter he personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of the particular matter.
4. Pursuant to his duty under Ind. Code §5-14-3-10, Michael J. Smith shall not disclose or otherwise rely upon information classified as confidential under Ind. Code §5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

III. EMPLOYEE AFFIRMATION

I have read and understand the terms of the foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which HNTB has a financial interest. I understand that the first two (2) terms of this screen terminate upon my leaving the Department or the discontinuation of negotiations with HNTB, whichever occurs first. I further understand that terms three (3) and four (4) regarding particular matters and confidential information respectively, apply in perpetuity, for the life of each matter and so long as the subject information is deemed confidential. I have shared and discussed this Conflict of Interest Screen and its requirements with the appointing authority for my position.

Executed and agreed this 6th day of January, by:



Michael J. Smith, Commissioner
Indiana Department of Transportation

1/6/25

¹ State employees have an affirmative duty under Ind. Code §5-14-3-10 to protect from disclosure and to refrain from relying upon information defined as confidential under Ind. Code §5-14-3-4.

From: [Shelby, Kate](#)
To: [Heerens, Joe](#)
Subject: notification of official screen for Mike Smith
Date: Monday, January 6, 2025 1:11:00 PM
Attachments: [image001.png](#)
[INDOT Commissioner Smith disclosure and screen executed January 2025.pdf](#)

Joe,

This email is to notify you, as delegated appointing authority, of a conflict of interest disclosure and screen filed for Michael J. Smith, INDOT Commissioner, related to HNTB. These documents will be filed with the State Ethics Commission shortly.

Thank you,

Kate

Kate Shelby

Deputy Commissioner and Chief Legal Counsel

Indiana Department of Transportation

Central Office

Office: 855-463-6848

Email: kshelby@indot.in.gov

[Find us on social media!](#)





STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for Michael Smith

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for Indiana Department of Transportation Commissioner Michael Smith. Enclosed herewith, I am submitting a post-employment waiver for Commissioner Smith.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also designate Kate Shelby, General Counsel & Ethics Officer for the Indiana Department of Transportation, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff



January 3, 2025

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

IC 4-2-6-11

Post-employment waiver: Dr. Dan Rusyniak

As Appointing Authority of the Secretary of the Family and Social Services Administration (FSSA), I am filing this waiver of the application of certain post-employment restrictions of the Code of Ethics as they may apply to Dr. Dan Rusyniak, FSSA's Secretary, in his potential post-employment opportunity with Eskenazi Health (Eskenazi).

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives application of (Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

Initial Comments: At the outset, it is noted that FSSA does not believe that Dr. Rusyniak's duties as FSSA's Secretary involved any "particular matter" with Eskenazi, as his high-level leadership of FSSA did not involve directly regulating Eskenazi. Rather, his leadership of FSSA in part involved the oversight and direction of Medicaid and other programs generally,

with oversight and regulation of FSSA as a whole. However, to the extent that his general oversight of Medicaid and other programs that Eskenazi had any participation or action in, could be considered by the Ethics Commission to be a “particular matter”, we submit this waiver and respectfully request approval thereof.

The Governor appointed Dr. Rusyniak as FSSA’s Secretary in 2021, and his service will end on January 10, 2025. In that role, Dr. Rusyniak has been responsible for planning, evaluating, and directing activities of FSSA, which includes direction over the Office of Medicaid Policy and Planning (OMPP), the Division of Aging (DA), the Division of Disability and Rehabilitative Services (DDRS), the Office of Early Childhood and Out-of-School Learning (OECOSL), the Division of Family Resources (DFR), the Disability Determination Bureau (DDB), the Division of Mental Health and Addiction (DMHA), and Indiana 211. Dr. Rusyniak provided strategic direction for FSSA and coordinated policies that aligned with the agency’s goals, visions, and expectations. While he has decision-making authority over policies, rules, and contracts for FSSA, he does not negotiate or administer contracts. Indeed, the negotiation and administration of contracts is handled by other FSSA employees.

With respect to the above-referenced OMPP, one of its duties includes registration of more than 80,000 Medicaid Providers. To become a Medicaid Provider, an entity must register with Indiana Medicaid by completing a standard enrollment packet, including a signed agreement attesting that they will follow all state and federal requirements to operate as a Medicaid Provider. Notably, however, the Secretary himself does not negotiate or sign these agreements, nor does he have any discretion as to the terms of the agreements or who is permitted to become a Medicaid Provider. These agreements are “accept” or “reject” only, and are non-negotiable on a case-by-case basis.

In addition, Dr. Rusyniak has not signed any contracts with Eskenazi, and any substantive contact he would have had with Eskenazi during his time as the Secretary would have been indirectly through the Indiana Hospital Association (IHA) to all members of that association, which further supports the conclusion that no waiver is required on this front. And, even if contact occurred indirectly, the entity to lead that contact would have been OMPP.

Notwithstanding, because Eskenazi is among the 80,000 Medicaid Providers registered with OMPP, if the Ethics Commission were to consider these agreements to be “contracts” under the Code of Ethics, and if it also believes Dr. Rusyniak’s general oversight of the regulatory program – including these agreements – constitutes a particular matter, then we respectfully request a waiver of any such particular matter restriction that may apply here.

We also want to disclose that, along with the provider agreements noted above that all of the Medicaid providers must sign to participate in Medicaid and waiver programs, FSSA has four (4) contracts with Health and Hospital Corporation of Marion County (d/b/a Eskenazi Health) at this time. These contracts relate to:

- SNAP outreach services
- SMI and/SED assistance for those at risk of becoming homeless (grant)
- Clinical services for first episode psychosis
- CCDF voucher program outreach services

Notably, it has been confirmed that Dr. Rusyniak did not negotiate, nor does he administer, any of the above-referenced contracts. However, again due to his role as FSSA's Secretary and oversight of the FSSA divisions that entered into these contracts, to the extent the contracts may constitute a "particular matter," we respectfully request a waiver of any such particular matter restriction that may apply here.

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Answer: As the FSSA's Secretary, Dr. Rusyniak has extensive and final decision-making authority over policies, rules, and contracts for the agency. Dr. Rusyniak coordinated with other FSSA and division leadership on these decisions, often delegating the day-to-day, operation-related matters to division leadership and their respective teams. With respect to rules, Dr. Rusyniak reviewed and signed-off on rule changes pursuant to the formal state promulgation process, but was not involved substantively in the enforcement of same. Additionally, much of the decision-making in this area followed processes and policies prescribed by federal law and other legal requirements.

While Dr. Rusyniak's role included authority and oversight of multiple FSSA programs and divisions, his work as FSSA Secretary was broad in scope, involving complex and high-level program elements and determining final action and direction on same. Dr. Rusyniak oversaw the development and implementation of FSSA initiatives and monitoring of same; however, due to the scope of his role, it is noteworthy that Dr. Rusyniak was not involved in nuanced day-to-day coordination or communications with individuals or specific providers, including Eskenazi. Instead, his role involved coordination with groups, such as, for example, the IHA and other provider groups, to receive and share feedback and information. The existence of this process further demonstrates Dr. Rusyniak was not making individual determinations as to providers, but that his involvement was more general in nature (as noted above).

As previously indicated, even though some activity necessarily and appropriately occurred by and between Eskenazi and FSSA during his time as Secretary, Dr. Rusyniak did not negotiate or administer any contracts with Eskenazi, nor did he address directly the terms and/or requirements of any provider agreements (which, as noted, all providers must sign in order to participate in Medicaid).

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Answer: Dr. Rusyniak has entered into employment negotiations with Eskenazi to serve as its Chief Medical Officer. In that role, Dr. Rusyniak would lead, manage, direct, and be accountable for all medical staff, broadly defined, to ensure the health system's goals are achieved. He would work continuously to improve clinical quality, safety, efficiency and effectiveness of patient care. He would be responsible for the appropriateness of the medical care delivered by physicians and advanced practice providers, and be the liaison between

Eskenazi leadership, the physician practice leadership, and IU School of Medicine leadership. He would also be responsible for modeling and upholding Eskenazi's mission, vision, PRIDE values and standards of behavior. In addition, there is no known executive branch lobbying component to the Chief Medical Officer's role.

- 3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:**

Answer: First, we note that Dr. Rusyniak will *not* engage in executive branch lobbying, including as to FSSA, during the one-year "cooling-off" period he leaves state employment. And after that one-year period expires, any contact that he may have with FSSA would be reasonable, necessary, and in-line with the type of contact any Medicaid Provider/contractor may have with FSSA.

In addition, while, out of an abundance of caution, we checked the box, above, involving regulatory and licensing decisions, we note that Dr. Rusyniak, in his role as FSSA Secretary, did not make any regulatory or licensing decisions directly regarding Eskenazi. Indeed, licensing for Eskenazi is regulated by a different state agency – the Indiana Department of Health. And, Indiana Medicaid is a division of FSSA regulated by the Indiana Code and the Indiana Administrative Code which apply to all Medicaid Providers uniformly through policy, procedure, and bulletin. However, in the interest of full transparency here, to the extent these could be considered regulatory decisions under the Code of Ethics, they are so disclosed.

- 4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:**

Answer: Partnering with the Indiana University School of Medicine, Eskenazi serves as the public hospital division of the Health & Hospital Corporation of Marion County. Physicians provide a comprehensive range of primary and specialty care services at the 333-bed hospital and outpatient facilities both on and off Eskenazi's downtown campus including a network of Eskenazi Health Center sites located throughout Indianapolis. Accredited by the Joint Commission and named one of our nation's 150 best places to work by Becker's Hospital Review, Eskenazi's programs have received national recognition while also offering new health care opportunities to the local community. As the sponsoring hospital for Indianapolis Emergency Medical Services (the city's primary EMS provider), Eskenazi is also home to the first adult Level I trauma center in Indiana, the only verified adult burn center in Indiana, and the first community mental health center in Indiana, just to name a few.

As Eskenazi's Chief Medical Officer, Dr. Rusyniak would lead, manage, direct, and be accountable for all medical staff, broadly defined, to ensure the health system's goals are achieved. He would work continuously to improve clinical quality, safety, efficiency, and effectiveness of patient care. He would be responsible for the appropriateness of the medical care delivered by physicians and advanced practice providers, and be the liaison between Eskenazi Health leadership, the physician practice leadership, and IU School of Medicine

leadership. He would also be responsible for modeling and upholding Eskenazi's mission, vision, PRIDE values and standards of behavior.

During both his time as Chief Medical Officer of FSSA and later as FSSA's Secretary, Dr. Rusyniak has maintained work in the clinical field of Emergency Medicine. This clinical work was with Eskenazi, and, for both the CMO and Secretary positions, an Ethics review was performed and completed in order to ensure that there was no conflict.

For you to permit Dr. Rusyniak to serve as Eskenazi's Chief Medical Officer, would allow this data and evidence-driven provider to remain in a role related to healthcare and access thereto, to advise and assist them in continuing to provide and improve their invaluable services to Hoosiers. We also note that, in his new role, Dr. Rusyniak's focus would be primarily on low-income populations in the state's largest county (Marion), which is a population that regularly overlaps with the Medicaid population. Having Dr. Rusyniak, a nationally well-respected health care leader, with all his experience and background, continue to support and assist low-income Hoosiers in receiving appropriate healthcare, would be of enormous benefit to our state.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Answer: If this waiver were to be denied, Dr. Rusyniak will suffer economic hardship as the reach and impact of FSSA is so widespread. Dr. Rusyniak has continued to work clinical hours outside of his state employment, but these hours have been limited due to the work that is necessary for FSSA to implement and monitor the number of projects that it oversees. Furthermore, denying this waiver would likely impact his clinical work or create a need for another additional job to supplement same, while at the same time denying him the opportunity to utilize his remarkable leadership and skills to enhance Eskenazi's services and performance. The transition to the Chief Medical Officer role is an organic outgrowth of Dr. Rusyniak's experience and ongoing work over the years. Additionally, if denied a waiver under these circumstances, Dr. Rusyniak would appear unlikely to be able to be employed with any group that FSSA has contracted with or that is a Medicaid Provider, again leading to a potential loss in opportunities to remain in our state.

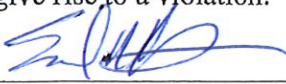
Because Medicaid intersects with nearly every healthcare provider or organization in Indiana, Dr. Rusyniak, if denied this waiver, could be required to wait 365 days from his last day of employment with the state and forego a salary and position with employers that would allow him to use his remarkable background, skills, and experience to continue serving Hoosiers. To provide for his family, Dr. Rusyniak may have little choice but to take a position outside of medicine altogether, or, alternatively, leave the state in order to continue his work in health care and/or the development of his career. We believe the above-referenced reasons weigh in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

C. Signatures

1. Appointing authority/state officer of agency"

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.




Earl A. Goode, Appointing Authority

1/3/25

DATE

2. Ethics Officer of Agency:

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Joseph R. Heerens, Ethics Officer

1/3/25

DATE

D. Approval by State Ethics Commission:

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
_____ Katherine Noel, Chair, State Ethics Commission	_____ Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to:
info@ig.in.gov

*Upon receipt you will be contacted
with details regarding the*

FILED

DEC 16 2024

INDIANA STATE ETHICS COMMISSION



**ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING**
State Form 55860 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Rusyniak	Name (first) Dan	Name (middle) E
Name of office or agency Indiana Family & Social Services Administration		Job title Secretary
Address of office (number and street) 402 West Washington Street, W461		City Indianapolis
Office telephone number (317) 233-7447		ZIP code 46204
Office e-mail address (required) daniel.rusyniak@fssa.IN.gov		

Describe the conflict of interest:
 Dr. Dan Rusyniak is Secretary of Indiana's Family & Social Services Administration. Dr. Rusyniak has entered into employment negotiations with Eskenazi Health to serve as its Chief Medical Officer. Eskenazi Health is a contractor with FSSA and is also a Medicaid Provider required to submit a Medicaid Provider Agreement. Although Dr. Rusyniak has not personally negotiated or administered any of these contracts or agreements, those that have report to Dr. Rusyniak. Out of an abundance of caution, Dr. Rusyniak submits this Ethics Disclosure Statement regarding the appearance of a conflict of interest regarding Eskenazi Hospital.

When Dr. Rusyniak began work for FSSA as it's Chief Medical Officer, he was employed as a Physician with Eskenazi Health. At that time, he sought a formal advisory opinion from the State Ethics Commission permitting him to continue to work for Eskenazi Health. See 2018 FAO-0017. When Dr. Rusyniak was promoted to Secretary of FSSA, he again sought a formal advisory opinion from the State Ethics Commission permitting him to continue to work for Eskenazi Health. See 2021-FAO-007

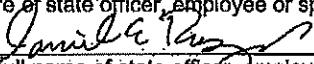
Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Dr. Rusyniak shall not participate in decisions or votes, or any matters related to any such decision or vote in which Eskenazi Health has a financial interest. This restriction applies in perpetuity for the life of the matter or until negotiations terminate. Pursuant to his duty under IC 5-14-3-10, Dr. Rusyniak shall not disclose or otherwise rely upon information classified as confidential under IC 5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee



Date signed (month, day, year)

12/13/2024

Printed full name of state officer, employee or special state appointee

Daniel E. Rusyniak

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer



Date signed (month, day, year)

12/16/2024

Printed full name of ethics officer

MATTHEW A. BARBER

From: [Gerber, Matthew](#)
To: [Perrodin, Regan \(IG\)](#)
Cc: [IG Info](#); [FSSA Ethics](#); [Rusyniak, Daniel E \(Dan\)](#); [Jankowski, Jane](#); [Heerens, Joe](#)
Subject: Notice of Conflict - Decisions & Voting
Date: Monday, December 16, 2024 2:57:35 PM
Attachments: [Notice of Conflict - Decisions & Votes - Rusyniak 12162024 Executed.pdf](#)

Regan-

Attached please find FSSA's Ethics Disclosure Statement - Conflicts of Interest - Decisions & Voting filed on behalf of Dr. Dan Rusyniak, Secretary of Indiana's FSSA.

Please note that representatives of the Office of the Governor have been included on this email for notice purposes.

Thanks
MG

Matthew A. Gerber
Deputy General Counsel and Ethics Officer
Office of General Counsel, Indiana Family & Social Services Administration
402 W. Washington St., Room W451 ▪ MS27 ▪ Indianapolis, IN 46204
T: (317) 232-1246 | matthew.gerber@fssa.in.gov

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This message and any attachment(s) are privileged and confidential and are protected by legal privileges, including the attorney-client privilege, attorney work product privilege, and/or deliberative process privilege. The information in this message is intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that any disclosure, copying, distribution, or any action taken or omitted in reliance on the contents of this information is prohibited. If you have received this message in error, please notify the sender and permanently delete all copies of this message and any attachments. Clients are advised not to disclose any confidential material; clients who disclose confidential material may be waiving his/her/their applicable legal privilege(s).



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for Dr. Dan Rusyniak

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for the Family and Social Services Administration Secretary Dr. Dan Rusyniak. Enclosed herewith, I am submitting a post-employment waiver for Secretary Rusyniak.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also hereby designate Matthew Gerber, Deputy General Counsel & Ethics Officer for the Family and Social Services Administration, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

**Indiana Code § 4-2-6-11
Post-Employment Waiver: David Rosenberg**

As the Appointing Authority of the Secretary of Commerce of the Indiana Economic Development Corporation (IEDC), I am filing this waiver of the application of a certain post-employment restriction of the Code of Ethics as it may apply to David Rosenberg, IEDC's Secretary of Commerce ("Rosenberg"), in his desired post-employment opportunity with Indiana University (IU).

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC § 4-2-6-11(g) and specifically waives the application of:

IC § 4-2-6-11(b)(2): 365-day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

B. IC § 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC § 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

As the Secretary of Commerce, Rosenberg serves as the Governor-appointed chief executive officer and president of the IEDC, which is charged with growing the state's economy, driving economic development, and helping businesses launch, grow, and locate in Indiana. Rosenberg has ultimate decision-making authority for the IEDC; however, in practice, the day-to-day operations of the IEDC, including contracting decisions, are normally delegated to the IEDC's executive team, including the Chief Operating Officer, Chief Strategy Officer, Chief of Staff, and

numerous other IEDC personnel, so that Rosenberg's involvement on those matters is minimal. That fact is critically important to a proper evaluation of whether the above-referenced 365-day "cooling-off" period of the Code of Ethics is triggered under the circumstances here. Further, he is aware of, and will fully honor and comply with, the requirements of the Code of Ethics pertaining to confidentiality of material information and not disclosing or using same. IC § 4-2-6-6.

First, under the ethics rule for the 365-day "cooling-off" period, IC § 4-2-6-11(b)(2), there are four specific prohibitions, none of which are or have been triggered by Rosenberg or his activities to date. With respect to the first prohibition, Rosenberg's potential position with IU will not involve executive branch lobbying. As for the second and third prohibitions, Rosenberg, during his time at IEDC, has not made a regulatory or licensing decision directly applicable to his potential employer, Indiana University. Lastly, as more particularly described below, Rosenberg has not negotiated or administered any contracts existing between IEDC and IU. Accordingly, for purposes of this ethics evaluation, it is our position that there is no, nor will there be any, violation of the 365-day "cooling-off" period under the circumstances applicable here.

It's important to note that Rosenberg had involvement with only one contract between IEDC and IU. In March 2024, the IEDC entered into a grant agreement with IU to provide partial funding for a new microelectronics workforce project. Rosenberg, along with other members of IEDC's staff, participated in some initial discussions regarding the project with IU representatives in the middle of 2023, nearly a year before the agreement was finalized. Importantly, however, while Rosenberg participated in those initial discussions about this potential project, he didn't thereafter engage in the negotiation of that agreement. Others at the IEDC were involved in negotiating and finalizing that agreement. Indeed, while Rosenberg had general awareness of the status of that potential project, he was not actively involved in the discussions occurring between the parties regarding the negotiations.

Further, the grant agreement, once it was finalized, was not reviewed or signed by Rosenberg. Instead, it was signed by Robert Paglia, who is the IEDC's Chief Operating Officer and who had delegated authority for such purposes.

For purposes of this evaluation, it's important to note that the prohibition regarding contracts is a two-part test. To be triggered, the statute specifically requires that the state employee in question must have been "engaged in the negotiation or administration of a contract *and* was in a position to make a discretionary decision affecting the outcome of such negotiation or administration." IC § 4-2-6-11(b)(2). Under Indiana law, it is well-established that words in a statute must be taken in their plain, ordinary and literal meaning, and effect must be given to every word; indeed, no word should be considered superfluous, void, or insignificant, as each word is presumed to have a purpose. Therefore, the conjunctive "and" clearly establishes this statutory language as creating a two-part test. Here, in the situation involving Rosenberg, both parts of the test are *not* triggered. While Rosenberg is the head of the IEDC and clearly in a position to make a discretionary decision

affecting the negotiation or administration of a contract, he has not negotiated or administered any contracts between IEDC and IU; therefore, only one of the two parts of the above-referenced test are triggered, thus leading to the conclusion there would be no violation of this particular ethics prohibition in the event he accepts the IU opportunity.

Therefore, it is our view that Rosenberg's limited involvement in the initial discussions occurring nearly a year before the grant agreement was finalized and signed, the lack of his involvement in the negotiations that occurred thereafter, and the fact that he did not review or sign that grant agreement, establish that the ethics rule involving the 365-day "cooling-off" period has not been triggered here. Nevertheless, out of an abundance of caution and in the interests of transparency, we are respectfully requesting a waiver of the potential application of the cooling-off period here.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

In connection with this potential post-employment opportunity with IU, Rosenberg will serve as the President & CEO of a new university-wide strategic initiative that will be called the IU Launch Accelerator for Biolifesciences (LAB). The LAB will be based in Indianapolis and focus on life science research, as well as transitional tech and commercialization in the life sciences area, partnering with IU Research, the IU School of Medicine, IU Health, and other industry and ecosystem partners. This position will report to the President of Indiana University, Pamela Whitten, who recently said about this important new endeavor: "Indiana University is launching an initiative so transformative that it will change the very landscape of our capital city and state."

In his new role as CEO & President, Rosenberg will perform the typical duties for that type of executive level position, including, for example, but not limited to: (1) being primarily responsible for assembling and leading the team working under his direction; (2) managing those people and the effort in general; (3) playing an instrumental role in establishing the applicable vision, mission, goals and objectives; (4) evaluating and managing the overall operations under his purview; and (5) being accountable for the success of this important strategic initiative. Notably, this role would be completely unrelated to, and independent of, the microelectronics grant agreement referenced above and would not involve interacting with IEDC.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Because his prospective employment has no connection to any of the matters involving IU with which he had any involvement while at IEDC, Rosenberg's prospective employment is unlikely to involve substantial contact with the IEDC. And what contact may occur is unlikely to involve matters where the IEDC has discretion to make decisions based on the work product of Rosenberg.

However, to protect against these concerns, Rosenberg will agree and commit to delegating any direct dealings with the IEDC – should they occur – to subordinates or other departments within IU, and having nothing to do with same.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Rosenberg has had a long career in Indiana's public sector where his impact has been significant. Prior to serving the IEDC, Rosenberg served as the Deputy Chief of Staff for the Indianapolis Mayor's Office as well as the Operations Officer for the Indianapolis Public Schools. During Rosenberg's tenure with the IEDC, first as its Chief Operating Officer and later as the Secretary of Commerce, the State of Indiana experienced record job and wage growth as well as record capital investment. Rosenberg seeks to utilize his unique skills and expertise to continue serving Hoosiers through this important position with IU, a preeminent state educational institution. Rosenberg is uniquely situated to lead and further develop the synergy between IU (a public research university) and private industry. Indeed, failure to retain Rosenberg in this position of public service in our state would be a significant loss. We'd be fortunate to have him continue his public service through this incredibly important position of leadership at IU.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Rosenberg's unique expertise and insights are narrowly tailored to advancing the interests of the State of Indiana by serving in a high-level and impactful executive role within the public sector. Due to the relatively few positions within the state meeting this narrow description, Rosenberg, as well as the state more broadly, will be at a significant loss if his unique talents are not utilized to their fullest extent in this important position. Should he be denied that opportunity, he would likely have to seek a comparable position in the private sector, which could take him some time to identify, interview for, and secure, so the economic hardship under those circumstances could be significant. Accordingly, we believe that the above-referenced reasons weigh heavily in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

C. Signatures

1. Appointing authority/state officer of agency:

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC § 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Earl A. Goode, Appointing Authority

1/3/25

DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC § 4-2-6-11(g)(1)(B).



Joseph R. Heerens, Ethics Officer

1/3/25

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
_____ Katherine Noel, Chair, State Ethics Commission	_____ Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Mr. Rosenberg will be screened from all decision and votes, including contract amendments and negotiations, in which Indiana University may have a financial interest. Pursuant to IC 5-14-3-10, Mr. Rosenberg shall not disclose or otherwise information classified as confidential under IC 5-14-4-3. This restriction applies as long as the subject information is deemed confidential.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed *(month, day, year)*

11.6.2024

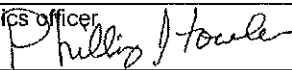
Printed full name of state officer, employee or special state appointee

David Rosenberg

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer



Date signed *(month, day, year)*

11.6.2024

Printed full name of ethics officer

Phil Fowler

Baker, Nathaniel P

From: Rosenberg, David
Sent: Wednesday, November 6, 2024 1:33 PM
To: Goode, Earl; Fowler, Phillip
Cc: Lang, Andrew (IEDC)
Subject: Notice of Employment Negotiations

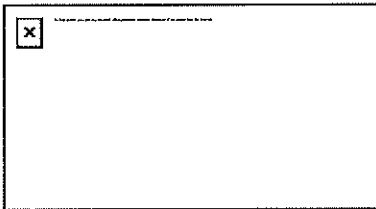
Earl and Phil,

I am writing to inform you as the IEDC Chief Ethics Officer and Appointing Authority, pursuant to IC 4-2-6-9(b), that I have entered into conversations with Indiana University regarding potential future employment, and I intend to fill a written conflict of interest disclosure statement with the office of the Inspector General.

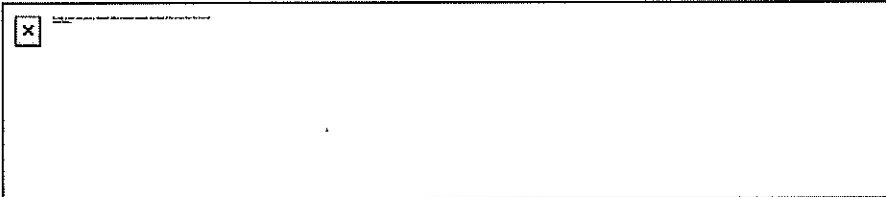
Please let me know any additional information that may be helpful.

Thank You,

David



David Rosenberg
Secretary of Commerce
m 317.701.0547 | forthebold.com



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STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for David Rosenberg

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for the Indiana Economic Development Corporation's Secretary of Commerce David Rosenberg. Enclosed herewith, I am hereby submitting a post-employment waiver for Secretary Rosenberg.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also hereby designate Phillip Fowler, General Counsel for the Indiana Economic Development Corporation, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff

IC 4-2-6-11**Post-employment waiver**

As the Appointing Authority of the **Indiana Economic Development Corporation (IEDC)**, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to **John Cochran** in his/her post-employment with **The Corydon Group**.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving)*:

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below)*:

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts: The former employee's prior job duties at the IEDC involved primarily communications with local officials and state legislators. Communications included providing updates and answering questions related to economic development in general, specific economic development projects, information about how cash funds for use by the IEDC are spent. During the legislative session, the former employee advocated for or opposed legislation regarding the IEDC and was a point of contact for the IEDC with the members and staff of the General Assembly. During employment at the IEDC, the former employee did not participate in exercising decision-making authority over IEDC contracts, rules, or policies.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer: Following the termination of his employment with the IEDC on November 7, 2024, the former employee has been employed as the Senior Advisor, Procurement & Government Affairs at the public affairs and government relations firm The Corydon Group. He now seeks to expand his current responsibilities to include lobbying members of the Indiana General Assembly on behalf of clients. These legislative lobbying activities would involve multiple clients with a wide variety of issues, including transportation, public safety, local government, and information technology. Prior to the former employee's employment at the IEDC, he had over 20 years of professional experience working within the General Assembly as well as a legislative lobbyist. A secondary responsibility includes conducting grass tops advocacy and lobbying activities with local officials on a variety of issues. During the course of his employment at the IEDC, the former employee had some interaction with staff in the Governor's Office during legislative sessions but had almost no interaction with other executive branch agencies.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee: The former employee does not intend to, nor does he seek a waiver to conduct executive branch lobbying activities with the IEDC within 365 days of his employment there. As such, the IEDC will not have discretion to make decisions based on the former employee's work product. The former employee seeks to be able to conduct executive branch lobbying activities in other state agencies with which he has past employment experience or experience lobbying. In the years prior to his employment at IEDC, the former employee has past work experience in both the Secretary of State's Office

and in the Indiana Department of Transportation. Moreover, he has over five years of professional experience of actively lobbying other agencies like INDOT, IDEM, IOT, and DNR.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest: The former employee seeks the ability to provide government relations services to potential clients based on more than 20 years of experience working in or lobbying executive branch offices, and not based on any experiences, relationships, or knowledge obtained specifically from his most recent employment at the IEDC. The ability to bring knowledge of executive branch agencies and processes based on the former employee's aggregate professional experience before working at the IEDC to help clients who wish to interact with government efficiently would be to the benefit of the state. Furthermore, given the specific circumstances of the former employee, this waiver request poses little to no risk of contradicting what is in the public interest.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied: The former employee's current job responsibilities do not include executive branch lobbying activities. Executive branch lobbying, however, is a significant part of a full-service government relations scope of services and would limit the services he would be able to perform for clients and limit his marketability as a government relations professional. As a result of the 1 year cooling off period, his potential clients and therefore income would be significantly diminished in 2025.

The former employee seeks to waive the 1-year cooling off period for executive branch lobbying so that he can return to executive branch lobbying in agencies in which he has extensive experience lobbying experience. The risk that his position, job description, or responsibilities at the IEDC would give him an improper or unfair advantage in lobbying the executive branch within a year of employment is mitigated as he does not seek to participate in economic development lobbying and considering the timing of his request in relation to a new Governor Administration starting in January of 2025.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an

employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



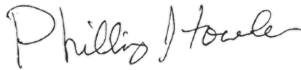
David Rosenberg

12.30.2024

DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Phil Fowler)

DATE

12.30.2024

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

Katherine Noel, Chair, State Ethics Commission

Date

Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.