

**MINUTES OF THE MEETING OF  
THE INDIANA STATE ETHICS COMMISSION  
November 14, 2024**

**I. Call to Order**

A regular meeting of the State Ethics Commission (Commission) was called to order at 10:00 a.m. Commission members present were Katherine Noel, Chair; Corinne Finnerty; John Krauss; and Sue Anne Gilroy. Office of Inspector General (OIG) staff present included David Cook, Inspector General; Regan Perrodin, State Ethics Commission Director; Mark Mitchell, Director of Investigations; Elaine Vullmahn, Senior Attorney; Will Deane, Staff Attorney; Teresa Henson, Director of Administration; Mike Lepper, Special Agent; Sam Stearley, Special Agent; Jason Fajt, Special Agent; and Nathan Baker, Legal Assistant.

Others present were David Rosenberg, Indiana Secretary of Commerce; Mattheus Mitchel, Compliance and Ethics Specialist, Indiana Department of Revenue; Josh Brandle, Paralegal, Indiana Department of Revenue; Sean Evans, Legal Analyst, Indiana Department of Revenue; Matthew Gerber, Deputy General Counsel, Family and Social Services Administration; Amber Nicole Ying, Ethics Officer, Indiana Department of Revenue; Elliott Anderson, Chief of Staff, Indiana Department of Correction; Deanna Dwenger, Executive Director of Behavioral Health, Indiana Department of Correction; Erin Sweitzer, Deputy Chief of Staff, Indiana Economic Development Corporation; Phil Fowler, General Counsel, Indiana Economic Development Corporation; Andrew Lang, Deputy General Counsel, Indiana Economic Development Corporation; and Kimberly Hoffman, VP of Marketing and Events, Indiana Economic Development Corporation.

**II. Adoption of Agenda and Approval of Minutes**

Commissioner Krauss moved to adopt the agenda. Commissioner Gilroy seconded the motion, and the Commission passed the agenda (4-0).

Commissioner Gilroy moved to approve the Minutes of the October 10, 2024, Commission Meeting, and Commissioner Krauss seconded the motion, which passed (4-0).

**III. Consideration of Waiver of Post-Employment Restrictions for David Rosenberg**

Joseph Heerens, General Counsel and Ethics Officer for the Indiana Office of the Governor, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Upon proposal and discussion, Secretary Rosenberg withdrew the Waiver from consideration.

**IV. Consideration of Waiver of Post-Employment Restrictions for Kimberly Hoffman**

David Rosenberg, Indiana Secretary of Commerce and Appointing Authority for the Indiana Economic Development Corporation, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Krauss moved to approve the Waiver, and Commissioner Finnerty seconded the motion, which passed (4-0).

**V. Consideration of Waiver of Post-Employment Restrictions for Deanna Dwenger**

The matter had previously been submitted as a request for Formal Advisory Opinion, which the requesting party withdrew in favor of the submitted Post-Employment Waiver.

Elliott Anderson, Chief of Staff for the Indiana Department of Correction, presented the proposed Waiver of Post-Employment Restrictions in this matter to the Commission for their approval.

Commissioner Krauss moved to approve the Waiver, and Commissioner Finnerty seconded the motion, which passed (4-0).

**VI. Consideration of 2025 Public Meeting Dates**

The Commission next considered proposed dates for the 2025 State Ethics Commission Public Meeting Dates. The dates have previously been set on the second Thursday of each month automatically.

Commissioner Finnerty moved for approval of the proposed 2025 meeting dates with no proposed changes. Commission Chair Noel seconded the motion, which passed (4-0).

**VII. State Ethics Director's Report**

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

There have been some staffing changes at OIG. We have brought on Will Deane as our new Staff Attorney. Will is recently graduated from the IU McKinney School of Law.

Additionally, OIG's long time Director of Administration, Cindy Scruggs, is retiring from the OIG and State employment in December. We have hired Teresa Henson to train with Cindy in a transition period and she will take over as Director of Administration upon Cindy's leave.

The OIG has issued 18 Informal Advisory Opinions (IAOs) since the October Ethics Commission meeting, mostly relating to issues on post-employment, conflicts of interests, and outside employment, and gifts.

The OIG's Legal and Ethics Conference is scheduled for the afternoon of November 19, 2024. The Conference has been approved for three hours of attorney ethics CLE credit. More information regarding the conference is on our website.

### **VIII. Adjournment**

Commissioner Krauss moved to adjourn the public meeting of the State Ethics Commission. Commissioner Gilroy seconded the motion, which passed (4-0).

The public meeting adjourned at 10:35 a.m.



**Indiana  
Department  
of  
Health**



Eric J. Holcomb  
*Governor*

Lindsay M. Weaver, MD, FACEP  
*State Health Commissioner*

December 2, 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 Amber Denham in her post-employment with ViaQuest Hospice.

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.

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- 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:

Ms. Denham currently serves as a Public Health Nurse Surveyor in the Home and Community-Based Care Division at the Indiana Department of Health. This position does not involve decision-making authority over contracts. Ms. Denham was assigned to an area that included survey activity of ViaQuest Hospice (ViaQuest). In this role, she did have decision-making authority over survey activity and decided which federal and state tags were appropriate to cite during a July 2024 re-licensure and recertification survey. The resulting tags are considered in determining ViaQuest's eligibility for federal programs and enforcement activity by IDOH. However, Ms. Denham did not have final decision-making authority over tags or enforcement activity. Final decisions would be determined by the area supervisor, program director and division director supervising Ms. Denham. During the July 2024 survey, ViaQuest was tagged for issues involving documentation. Ms. Denham returned to ViaQuest in August 2024 and conducted a follow-up survey found that the issues had been corrected.

Ms. Denham contacted IDOH Ethics Officer, Erin Elam, on November 6, 2024, to speak about her current personal situation and the possibility of an employment waiver to pursue an open position at ViaQuest that fit her needs. She then spoke with her program director and division director. As a result, before beginning the interview process at ViaQuest Ms. Denham was screened out of all survey activities involving ViaQuest and instructed not to access IDOH documents or speak with other surveyors about ViaQuest.



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

The position Ms. Denham hopes to secure with ViaQuest would involve Quality Assurance and Performance Improvement (QAPI). The position will involve collecting and compiling patient information to track and trend outcomes for the patients. The finding will be reported the administrator for ViaQuest, who oversees the QAPI program.

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:

Ms. Denham's proposed position with ViaQuest will not involve any contact with IDOH surveyors or involvement in survey activity at the agency. Ms. Denham understands that she would need to be screened out of any such activity by her prospective employer until the 365 day "cooling off" period would have expired. Additionally, if the employment waiver is approved IDOH will provide a formal written notification to Ms. Denham and ViaQuest that Ms. Denham must be screened out of contact with IDOH on all regulatory matters during the "cooling off" period.

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:

Ms. Denham has extensive experience with hospice, home health agencies, long term care facilities and compliance with state and federal regulations. Her work at ViaQuest will improve patient outcome, identifying areas that the agency can improve and developing education pertinent to the clinician process, giving patients a good, dignified death. This additional oversight at ViaQuest provides an overall benefit for the public by improving the services they provide to the community.

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

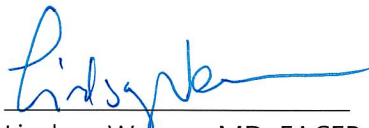


A denial would result in a substantial economic hardship. Ms. Denham has a child with special needs who requires frequent medical appointments and medication changes. The travel that her current position with IDOH requires has become unsustainable due to these challenges. She has frequently needed to take time off work and is in a position where she would have to begin doing so without pay. The position with ViaQuest is largely remote and offers her the flexibility to schedule appointments for her child without losing work hours or pay.

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.

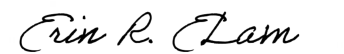


Lindsay Weaver, MD, FACEP

12-2-24  
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

12/02/2024  
DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved 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](mailto:info@ig.in.gov)

*Upon receipt you will be contacted*



FILED

DEC 3 2024

INDIANA STATE ETHICS COMMISSION



ETHICS DISCLOSURE STATEMENT  
CONFLICTS OF INTEREST – DECISIONS AND VOTING  
State Form 55880 (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) Denham	Name (first) Amber	Name (middle)
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Name of office or agency Indiana Department of Health	Job title Public Health Nurse Surveyor
--	---

Address of office (number and street) 2 N Meridian Street	City Indianapolis	ZIP code 46204
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Office telephone number ( 317 ) 473-0325	Office e-mail address (required) adenham@health.in.gov
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Describe the conflict of interest:  
 Ms. Denham currently serves as a Public Health Nurse Surveyor in the Home and Community-Based Care Division at IDOH. Ms. Denham is assigned to a survey area that included survey activity of ViaQuest Hopsice. As a result, she conducted a re-licensure and recertification survey in July of 2024 and revisited Viaquest for a follow-up survey in August 2024. On November 6, 2024 Ms. Denham contacted Ethics Officer, Erin Elam about the possibility of seeking employment at ViaQuest due to a personal family situation and the availability of a position that fit her needs at Viaquest. Ms. Elam instructed her to speak to her supervisors about the matter to gage support for an post-employment waiver and a screening feasibility.

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

After meeting with her direct supervisor and department director a screen was out in place on November 20, 2024.

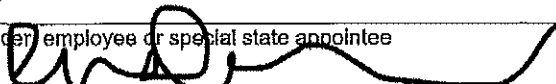
Ms. Denham was screened out of all survey activity involving ViaQuest and instructed not to access IDOH documents or speak with other surveyors regarding ViaQuest. On November 25, 2024 Ms. Denham interviewed with ViaQuest and was offered employment

A Post-Employment Waiver has also been filed and will be heard by the State Ethics Commission on December 12, 2024.

**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)

12/03/2024


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

Amber Denham

**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)

12/03/2024

Printed full name of ethics officer

Erin R. Elam

**From:** [Elam, Erin R](#)  
**To:** [Weaver, Lindsay](#)  
**Cc:** [Kent, Amy \(IDOH\)](#); [Ferguson, Jon](#)  
**Subject:** Ethics Disclosure regarding Conflict of Interest to be filed  
**Date:** Tuesday, December 3, 2024 2:45:00 PM  
**Attachments:** [Amber Denham Disclosure.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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Good afternoon, Dr. Weaver-

There is currently a Post-Employment Waiver for IDOH employee Amber Denham set to be heard by the State Ethics Commission on December 12<sup>th</sup>. Before Amber interviewed with the agency that the Post-Employment Waiver addresses, she contacted me, and a screen was put in place at that time to ensure she had no regulatory contact with that agency during the hiring process. The OIG has suggested that I file a disclosure regarding that screen and as part of the disclosure process, I must notify you that it will be filed. The disclosure in question is attached and will be filed today.

**Erin Elam** | *Staff Attorney & Ethics Officer*

Office of Legal Affairs

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

[eelam@health.in.gov](mailto:eelam@health.in.gov)

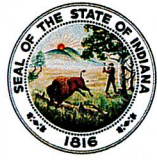
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**Indiana**  
**Department**  
**of**  
**Health**



Eric J. Holcomb  
*Governor*

Lindsay M. Weaver, MD, FACEP  
*State Health Commissioner*

December 2, 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 Amber Denham

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 Amber Denham's proposed employment with the ViaQuest Hospice.

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 December 12, 2024. Assistant Commissioner Jordan Stover 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 blue ink that reads 'Lindsay Weaver'.

Lindsay Weaver, MD, FACEP  
*State Health Commissioner*

cc: Indiana Office of Inspector General

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# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

**Eric Holcomb, Governor**  
**Michael Smith, Commissioner**

November 27, 2024

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

## IC 4-2-6-11

### Post-employment waiver – Arianna Gill

As the Appointing Authority of the Indiana Department of Transportation (INDOT”), I am filing this waiver of the application of the Code of Ethics’ post-employment restriction as it applies to Arianna Gill in her post-employment with Lochmueller.

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. I hereby Michele Steele, Ethics Officer, as the Appointing Authority solely for the purpose of effectuating this waiver through the Commissioner’s process.

Arianna Gill, a five-year employee of INDOT, has accepted the role of the Environmental Document Preparer at Lochmueller. After seeking an informal ethics opinion, INDOT is filing this waiver to address potential areas of applicability of post-employment restrictions.

This waiver is in regard to the part of the “cooling off” period as indicated below. This waiver does not include a waiver from the particular matter restriction under IC 4-2-6-11(c) as it relates to the transportation projects that Ms. Gill was assigned during her employment at INDOT. To the extent that a particular matter restriction applies to Ms. Gill and the transportation projects that Ms. Gill was assigned, Ms. Gill and INDOT have executed a screen, which was filed with the State Ethics Commission on November 13, 2024, and attached as Attachment A to this waiver. *See Attachment A, Section II.3.* This screen shall remain in effect and Ms. Gill shall screen herself from the transportation projects she was assigned during her employment at INDOT. Further, Ms. Gill shall not disclose INDOT’s confidential information after she leaves state employment. *See Attachment A, Section II.4.* Ms. Gill has indicated that Lochmueller that as a condition of her employment, that she is required to effectuate the proper screen to ensure that Ms. Gill abides by IC 4-2-6-11(b)(1) and (c). Ms. Gill has received an informal advisory opinion from the Office of the Inspector General regarding these matters.

**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:**

Arianna Gill has not had policymaking, regulatory, licensing, or rule-making authority in any of her roles at INDOT. Ms. Gill has had authority and oversight over the administration of some contracts and INDOT vendor work.

Ms. Gill currently serves as the Environmental Supervisor in the Fort Wayne District at 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. NEPA requires INDOT to review all transportation projects to ensure that projects are following federal and state requirements for NEPA. Ms. Gill would review documentation to ensure they met requirements and then submit these plans to other federal and state agencies for approval. Ms. Gill is the subject matter expert in NEPA and assists in the review of Letter of Interest (LOI) submittals, which is how INDOT chooses a consultant to take on a contract. Ms. Gill also reviews work products required for NEPA and schedules to ensure the NEPA process is appropriately completed. Consultants come to Ms. Gill with issues and concerns regarding NEPA in the project development process. She manages a team of four, which includes two full time employees and two seasonal employees.

Ms. Gill has been involved with 38 current projects. Her work on those projects included, but was not limited to, reviewing work products required for NEPA, scheduling to ensure the NEPA process is appropriately completed, responding to concerns from consultants with issues and concerns regarding NEPA in the project development process, and assisting in the review of Letter of Interest (LOI) submittals, which is how INDOT chooses which consultants are awarded a contract. Assisting in the review of LOI submittals is minimal, in that Ms. Gill has only reviewed four (4) Request for Proposals (RFP) in her entire time with INDOT.

Lochmueller provides NEPA studies and documentation, topographic surveys, engineer reports, Right of Way Plans, geotechnical reports, and final tracing documents on several INDOT projects. Ms. Gill also had discretionary authority over the administration of contracts with several consulting firms. In her role, Ms. Gill reviewed the LOI documents for Requests for Proposal ("RFPs) for services which ultimately determined who would be awarded contracts, but she was not a scorer for the contracts. Ms. Gill provided her comments after reviewing the LOI documents for quality and accuracy to the INDOT Capital Program Management team in the District that the project was located. INDOT employees from the INDOT Capital Program Management Division – a separate division – scored those RFPs and negotiated those contracts with Lochmueller. Once Lochmueller was under contract with INDOT, a different INDOT project manager managed Lochmueller's services. As a result, Ms. Gill did not directly oversee Lochmueller's work on any project or directly approve Lochmueller's invoices for work on any project.

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

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. Please see Attachment A.

**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:**

Lochmueller currently has 189 active or on-call contracts with INDOT. One of the consulting services that Lochmueller provides is comprehensive environmental services with experts in NEPA studies, ecological restoration, cultural resources, endangered species monitoring, and permitting for a wide variety and a number of organizations, which includes INDOT. Because Ms. Gill will serve in a management role, she anticipates that she could potentially have contact with various INDOT personnel in the natural execution of transportation design projects, similar to any other project manager providing services to INDOT. However, Ms. Gill has indicated that she will not work on any matters that she previously worked on while employed at INDOT nor on new matters with INDOT in her role with Lochmueller during the required periods set forth in the State Ethics Code.

**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:**

Ms. Gill has served INDOT for three (3) years as the Environmental Supervisor related to final NEPA documentation on projects. NEPA documentation is required for all federally funded projects, and she reviewed documents to ensure they met regulatory requirements. As the Environmental Supervisor, Ms. Gill had the opportunity to collaborate with approximately forty-five (45) consulting firms that have done business with INDOT and many of those partners. Given Ms. Gill's role as Environmental Supervisor and the number of consultants that have worked on INDOT projects, it would be difficult for Ms. Gill to find employment suitable to her skills that did not include an actual or perceived conflict or need for a waiver of post-employment restrictions. Ms. Gill has accepted employment from an organization with whom she did not regulate, nor did she negotiate any contract and to whom she did not bestow any benefit or government funding.

It is in the public's interest and beneficial to the state, local governments, and other public entities to have Ms. Gill's unique experience to provide guidance to Lochmueller as it provides relevant environmental documentation that is required for all federally funded projects. Ms. Gill's position with Lochmueller would utilize her expertise to provide a better product for the state and other public agencies. To not award a waiver in this situation would mean that a waiver is not awardable to Ms. Gill for work at any other company in the Indiana transportation industry and would trap Ms. Gill in state employment for the remainder of her career. Trapping Ms. Gill at INDOT is against public policy. Every citizen deserves to choose their own career path. INDOT will not be able to attract suitable talent to fill its many roles if the State is not able to allow someone who has worked with so many different consultants that provide environmental services for INDOT to continue her career in the industry for another employer. Allowing Ms. Gill to take a role at a company with whom she had minimal interaction as a State employee is consistent with public interest.

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

For all of the same reasons, keeping Ms. Gill at INDOT by not awarding this waiver will create economic hardship for Ms. Gill. Ms. Gill has spent five (5) years of her career at INDOT earning state wages. Ms. Gill earns a salary that is, in some cases, lower than other environmental supervisors. Additionally, there are few opportunities for advancement of position and salary for Ms. Gill's in that she does not have any experience outside of INDOT related projects in her field and she has found it extremely difficult to find other similar work outside the transportation industry. Ms. Gill will not be able to continue to progress her career and her earnings further without seeking external employment or would have to relocate outside of the Fort Wayne area. As explained above, Ms. Gill was offered employment by a vendor in the transportation industry with whom Ms. Gill has had very limited involvement and to whom she did not award any contracts and for whom she did not oversee or sign any contracts. It would be difficult to find another situation where Ms. Gill could continue her career progression with minimal impacts on the agency.

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.



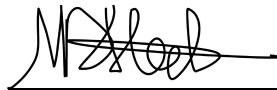
\_\_\_\_\_  
Michael Smith, Commissioner  
INDIANA DEPARTMENT OF TRANSPORTATION

12/02/2024

\_\_\_\_\_  
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).



\_\_\_\_\_  
Michele Steele, Ethics Officer  
INDIANA DEPARTMENT OF TRANSPORTATION

12/02/2024

\_\_\_\_\_  
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](mailto:info@ig.in.gov)

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



# **ATTACHMENT A**



**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**

**NOV 13 2024**

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) Gill	Name (first) Arianna	Name (middle)
Name of office or agency Indiana Department of Transportation		Job title Environmental Section Manager
Address of office (number and street) 5333 Hatfield Road		City Fort Wayne
		ZIP code 46808
Office telephone number ( 260 ) 969-8262	Office e-mail address (required) agill@indot.in.gov	

Describe the conflict of interest:  
Arianna Gill is an Environmental Section Manager for the Indiana Department of Transportation- Fort Wayne District.  
Arianna Gill is planning on accepting employment with the Lochmueller Group, Inc. ("LGI").  
LGI has a business relationship with INDOT, including active contracts with the Department.  
Arianna's employment negotiations with LGI therefore created a potential decisions and voting conflict of interest under IC 4-2-6-9. This disclosure is therefore being filed in anticipation of that potential conflict.  
Arianna Gill is not subject to the mandatory cooling off period (IC 4-2-6-11(b)) with regard to Lochmuller Group, Inc.  
Arianna Gill is subject to the particular matter restriction and will not assist future employers, including LGI, with any matter she personally and substantially participated in on behalf of INDOT.  
This disclosure was provided to Ms. Gill's appointing authority, Commissioner Michael J. Smith, on November 6, 2024.  
Evidence of said disclosure to Commissioner Smith is filed herewith pursuant to IC 4-2-6-9(b)(2)(D).  
Pursuant to IC 4-2-6-9(b)(2), this disclosure was executed and filed with the SEC within seven days (7) of the potential conflict being identified by the below signed ethics officer.

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

A formal screen was executed with INDOT ethics officer preventing Arianna Gill from working with Lochmuller Group, Inc. in her capacity as an INDOT employee. Said screen prohibits Arianna Gill from exercising any of her official duties or otherwise participating in any decision or vote, or matter related to such decision or vote, involving LGI, or in which LGI has an interest. Arianna Gill is further screened from assisting any future employer, including LGI, with any matter in which she personally and substantially participated while employed by INDOT.

The screen was executed on November 6, 2024 a copy of which was sent to Commissioner Michael J. Smith along with this disclosure.

**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

*Arianna Gill*

Date signed (month, day, year)

11/4/2024

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

Arianna Gill

**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

*Michele D. Steele*

Date signed (month, day, year)

11/4/2024

Printed full name of ethics officer

Michele D. Steele

**CONFLICT OF INTEREST SCREEN FOR ARIANNA GILL**

**November 1, 2024**

**I. RECITALS**

WHEREAS, Arianna Gill is an Environmental Section Manager for the Indiana Department of Transportation-Fort Wayne District (“INDOT” or “Department”); and

WHEREAS, Arianna Gill recently is anticipating accepting employment with Lochmueller Group, Inc. (“LGI”); and

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

WHEREAS, as Environmental Section Manager for INDOT Fort Wayne District, it is possible that Arianna Gill could be assigned to participate in matters in which LGI has an interest as part of her regular duties; and

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

WHEREAS, Arianna Gill is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers, including LGI, with any matter she personally and substantially participated in for INDOT; and

WHEREAS, Arianna Gill may have obtained confidential information in the course of her 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 herself or future employers.<sup>1</sup>

NOW THEREFORE, Arianna Gill, Environmental Section Manager for INDOT, for her remaining tenure with INDOT, or until she discontinues employment negotiations with Lochmueller Group, Inc., agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Arianna Gill 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. Arianna Gill shall not participate in any decision or vote, or any matter related to such a decision or vote, in which LGI has a financial interest.
2. Arianna Gill is screened from participating in any present or future contract or other matter involving LGI.
3. Arianna Gill shall not assist any future employers, including LGI, with any matter she personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of the particular matter.
4. Pursuant to her duty under Ind. Code §5-14-3-10, Arianna Gill 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 Lochmueller Group, Inc. 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 LGI, 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 my supervisor.

Executed and agreed this 4 day of November 2024, by:

*Arianna Gill*

\_\_\_\_\_  
Arianna Gill, Environmental Section Manager  
Indiana Department of Transportation- Fort Wayne District

<sup>1</sup> 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.

## **Baker, Nathaniel P**

---

**From:** Steele, Michele  
**Sent:** Wednesday, November 13, 2024 12:29 PM  
**To:** Smith, Michael J  
**Subject:** Conflict of Interest Screen - Arianna Gill  
**Attachments:** COI Screen- Arianna Gill.pdf

Commissioner Smith,

This email is to notify you that a conflict-of-interest screen will be filed for Arianna Gill, an INDOT employee, with the State Ethics Commission.

Thank you,

**Michele Steele, J.D., LLM**  
Director of Compliance/Prequalification and Ethics Officer  
Indiana Department of Transportation  
100 N. Senate Avenue – Room N758-PQ  
Indianapolis, IN 46204  
**Office:** (317) 719-6624  
**Email:** [msteele@indot.in.gov](mailto:msteele@indot.in.gov)  
**[Find us on social media!](#)**



### **CONFIDENTIALITY NOTICE:**

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.



Project Name	County	Des. No.		CE Status	Role		Work item tracking	Work item/Schedule confirmation	Bat Database Review	USFWS Coordination Review/Submittal	CE Review/ Approval	Commitments Review/ Approval	ECF Review/ Approval
SR 18 over Pipe Creek		2400467			Sub to RII	RII repsonded to small purchase invitation SP240013-15. Awaiting selection decision.						no interaction	
SR 19 over Branch of Eel River		2400472			Sub to RII	RII repsonded to small purchase invitation SP240013-15. Awaiting selection decision.						no interaction	
SR 3 over Pigeon River		2400456			Sub to RGI	RGI repsonded to small purchase invitation SP240016-18. Awaiting selection decision.						no interaction	
SR 18 over Wise Ditch		2400465			Sub to RGI	RGI repsonded to small purchase invitation SP240016-18. Awaiting selection decision.						no interaction	
SR 18 over Louis Ditch		2400470			Sub to RGI	RGI repsonded to small purchase invitation SP240016-18. Awaiting selection decision.						no interaction	



Indiana State Department of Agriculture  
Governor Eric Holcomb  
Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development  
Don Lamb, Director

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

As the Appointing Authority of the Indiana State Department of Agriculture (ISDA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Thomas Harry Wilmoth in his post-employment with Tyson Foods, Inc.

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):*





Indiana State Department of Agriculture

Governor Eric Holcomb

Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development

Don Lamb, Director

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 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.

Furthermore, as the Director of the Indiana Grain Buyers and Warehouse Licensing Agency, Mr. Wilmoth was a non-voting member of the board of directors of the Indiana Grain Indemnity Corporation under IC 26-4. In this capacity, Mr. Wilmoth provided information to the board and presided over board meetings, but did not have any decision-making authority over the actions, policies, rules, or contracts of the Indiana Grain Indemnity Corporation.

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

Mr. Wilmoth's prospective employer is Tyson Foods, Inc. and his title would be Manager of Government Affairs. The 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.

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:

Mr. Wilmoth's prospective employment is unlikely to involve any substantial contact between Mr. Wilmoth and the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of Agriculture, as the prospective employer is currently not licensed by the Indiana Grain Buyers and Warehouse Licensing Agency and does not operate as a grain buyer or warehouse in Indiana.

Moreover, to the extent any contact were to occur, it would not involve matters where the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of



Indiana State Department of Agriculture  
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Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development  
Don Lamb, Director

Agriculture has discretion to make decisions based on Mr. Wilmoth's work product, as Mr. Wilmoth did not produce any work product pertaining to the prospective employer on which the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of Agriculture would base any decisions either has the discretion to make.

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:

Mr. Wilmoth's prospective employment would be consistent with the public good and the interests of Indiana as this employment would allow him to bring necessary insight and experience regarding government affairs to a company that is important to the lives of many Hoosiers. While this prospective employer no longer operates as a grain buyer or warehouse in Indiana, it still employs many Hoosiers in other capacities and produces a significant portion of the food consumed by Hoosiers every day. Having Mr. Wilmoth bring his expertise to this position will, therefore, be beneficial to the state and the public.

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

A denial of this waiver would result in a substantial economic hardship for Mr. Wilmoth. Mr. Wilmoth resigned his position as Director of the Indiana Grain Buyers and Warehouse Licensing Agency in October 2024, to move back to the Northwest Arkansas area to be closer to his family and support system. This prospective employer is one of the largest in Northwest Arkansas and a denial of this waiver would severely limit Mr. Wilmoth's employment prospects in the immediate area where his family resides. Moreover, this prospective position offers Mr. Wilmoth the opportunity for remarkable professional growth and a continued career in advocacy work for the agriculture industry and rural communities in Indiana and across the country.

### 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 "Don Lamb".

\_\_\_\_\_  
Don Lamb  
Director of ISDA

December 2, 2024

\_\_\_\_\_  
DATE



Indiana State Department of Agriculture  
Governor Eric Holcomb  
Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development  
Don Lamb, Director

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).

Anne Valentine                      12/2/2024  
Anne Valentine                      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](mailto:info@ig.in.gov)

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