

MAR 12 2020

FILED



Indiana Housing & Community Development Authority

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

As the Appointing Authority of the Indiana Housing and Community Development Authority (IHCDA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Joseph Dant in his post-employment discussions with Barnes & Thornburg LLP.

I understand the agency must file and present this waiver to the State Ethics Commission at their next available meeting. Our Ethics Officer, Kyleen Welling, is prepared to attend the next scheduled meeting to present this waiver. 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:

- a. **Policies and Rules:** The employee serves as IHCDA's Director of Industry and Governmental Affairs. In that capacity Joseph provides consultation with departments within IHCDA on pending legislation, assists with drafting or proposing legislation when necessary, and assists agency staff with corresponding with state or federal elected officials' offices.



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State of Indiana
Lieutenant Governor
Suzanne Crouch



EQUAL OPPORTUNITY EMPLOYER AND HOUSING AGENCY

Joseph does not directly oversee any IHEDA programs or services, so does not typically have authority to propose policies or rules related to those offerings, but is often consulted on internal policies and procedures.

- b. **Contracts:** The IHEDA is a public body corporate and politic established by IC 5-20-1-3. The Authority is governed by a Board of Directors which consists of seven members and is chaired by the Lieutenant Governor. The Board of Directors has delegated certain authority to IHEDA's Executive Director to approve contracts.

IHEDA's Executive Director shares decision making on contracts with IHEDA's Executive Team which consists of the Executive Director, Deputy Executive Director/Chief Real Estate Development Officer, Chief of Staff/Chief Operating Officer, Chief Financial Officer and General Counsel.

Staff must first present their presiding Executive with the proposal for approval. If approved at that stage, the proposal is presented to the remaining Executive Team members and at least 2 of those members and the General Counsel must agree to and sign off on the approval of the contract.

IHEDA does follow a procurement policy similar to that promulgated by IDOA for state agencies, which requires public notice of opportunities to bid via RFPs depending on the estimated dollar amount of the contract.

IHEDA has an existing contract with Barnes & Thornburg for legislative monitoring services through its Government Services practice area. This contract was vetted through our normal approval process and signed off on by our Executive team. Joseph has been a point of contact on the contract and participated in weekly phone updates related to legislation pending in the Indiana Legislature which may be of interest to IHEDA. IHEDA's General Counsel is the main point of contact on the contract and conducted the negotiation of the original contract.

The position that Joseph would be taking is in a different division within Barnes & Thornburg (Business Development and Marketing) and was publicly posted on their website, LinkedIn, and other external recruitment sites. The position is not related to the current contract Barnes & Thornburg has with IHEDA.

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

The prospective employment opportunity is Business Development Manager for Barnes & Thornburg in their Indianapolis office. It is a non-attorney position which works with various business lines within Barnes & Thornburg to generate growth in assigned practice areas and geographic markets. Duties consist of research, analysis, collaborating with Communications department to create and update collateral materials and the website, and participating in conferences, networking events, etc.

- (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 prospective employment is not likely to involve substantial contact with IHCD. The largest source of interaction would likely be from IHCD staff attending conferences or events where Joseph might also be in his new role.

- (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:

Not applicable.

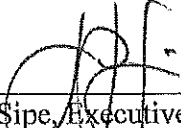
- (5) Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Joseph is currently the sole income supporting his family, which includes a young son with special needs. The opportunity for increased income typically more available in the private sector is of great importance given the circumstances.

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.



J. Jacob Sipe, Executive Director

3-3-20

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).



S. Kyleen Welling

3/3/2020

Date

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

Katherine R. Foxeity

Katherine Noel, Chair, State Ethics Commission

ACTING

3/12/20

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.