

# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE (317) 232-5525

STATE ETHICS COMMISSION

DEC 20 2016

FILED

Michael R. Pence, Governor  
Brandye L. Hendrickson,  
Commissioner

## Request for Post-employment waiver pursuant to IC 4-2-6-11

As the Appointing Authority of The Indiana Department of Transportation, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Ryan Gallagher in his post-employment with Purdue University.

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:

*Some of the following information is supported by the employee's personnel file or my knowledge of his current INDOT duties, and the remainder is based solely upon information the employee has provided to me in connection with the process of considering this waiver. The employee's prior job is more particularly described below in this answer.*

*As Deputy Commissioner of Operations, Ryan leads all of INDOT's district operations including maintenance, construction, engineering services, fleet, facilities, and finance, among others. In his role, Ryan manages roughly 2500 employees and a \$330M operating budget. Ryan's duties as Deputy Commissioner of Operations include serving as a board member on the INDOT Executive Committee for the Joint Transportation Research Program (JTRP). Ryan had substantial decision-making authority over many INDOT policies, rules and contracts, but his interaction with JTRP is more specifically set forth below.*

*The role of JTRP is to facilitate cooperation between INDOT and higher education research programs. JTRP is housed within the Purdue College of Engineering under the Executive Vice President and Provost of the University. The Executive Committee is comprised of four INDOT Deputy Commissioners, the Director of Research and Development, the INDOT JTRP Program Director, and a representative from INDOT's Office of Innovation and Enhancement. The Executive Committee approves the annual JTRP work program which includes the portfolio of research and innovation projects that will receive funding. The typical INDOT contracted budget with JTRP is approximately \$5,000,000 annually using 100% federal funds expressly apportioned by Congress for the advancement of research, development and technology transfer activities.*

*The Executive Committee operates under Roberts' Rules of Order resulting in majority consensus being required for approval of JTRP matters associated with allocation of funds to Purdue. The role of the executive committee is to ensure that federal funds, set aside for research and administered by INDOT, are allocated to research projects that further the INDOT mission. As an Executive Committee member, Ryan votes on the JTRP administration budget and approves the JTRP program that defines the research initiatives and their budgets. Approval of the JTRP program is accomplished through the approval of individual research projects during bi-monthly JTRP executive meetings. Research needs are defined by INDOT staff and drafted into full-fledged research proposals with the help of faculty members. Each proposal is brought to the board by an INDOT business owner, and voted on by the Executive Committee.*

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

*Based solely upon the job description and other information provided to me by Ryan, and contingent on the approval of this waiver, Ryan has accepted the position of Senior Director of Buildings and Grounds within the Physical Facilities Division under direction of the Treasurer and CFO. Ryan will provide management and leadership to three functional areas: Building Services, Grounds, and Operations and Maintenance. He will report to the Chief Operating Officer of Physical Facilities.*

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:

*In the role of Senior Director of Buildings and Grounds, Ryan would have no substantial interaction with INDOT nor the JTRP Executive Committee. I understand that Purdue will assist in screening Ryan from any INDOT requests that might otherwise be made, including any request for maintenance under the*

*institutional roads program provided for in Ind. Code 8-23-5-6. Written confirmation of this from Purdue should be provided to the Ethics Commission.*

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 State of Indiana has invested in Ryan's development from staff engineer to executive leader. It is consistent with the public interest for Ryan's knowledge and skills as a manager to be utilized within another state institution. Particular to his new role, Ryan's background in managing cost effective and efficient maintenance activities will be of benefit to Purdue, and thus the State of Indiana.*

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

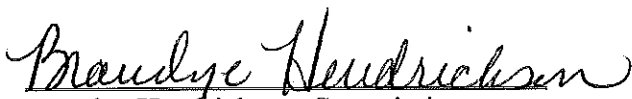
*As a registered Civil Engineer and a member of the INDOT executive staff, many outside employment opportunities for Ryan would have to undergo ethics scrutiny, and many would be prohibited. Failure to approve this opportunity, which I believe to have no conflict of interest with Ryan's current role, or the spirit of the ethics rules, would severely limit Ryan's opportunities outside of INDOT.*

*Further, Ryan is the father of five children including two sets of twins. Two of Ryan's children will be attending college next year. Two years after that Ryan will have four children in college. This employment opportunity provides Ryan with the economic means to make those years more affordable for his family.*

### 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.

  
Brandy Hendrickson, Commissioner  
Indiana Department of Transportation

12-16-2016  
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).

  
Mark Tidd, INDOT Ethics Officer

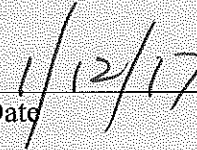
12/20/16  
DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission

  
James Clevenger, 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*