

Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

Office of the State Veterinarian
Discovery Hall, Suite 100
1202 East 38th Street
Indianapolis, IN 46205-2898
Phone: 317/544-2400

INDIANA
STATE ETHICS COMMISSION

JUL 11 2019

FILED

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana State Board of Animal Health, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Daniel Spears in his post-employment with Ladoga Frozen Foods and Retail Meats, 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):

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 Indiana State Board of Animal Health (BOAH) operates the State's meat and poultry inspection program. Meat slaughtering and processing establishments must apply for and receive a grant of inspection service from BOAH in order to produce and sell meat and poultry products in commerce. BOAH employs meat inspectors to conduct inspections of slaughtering and processing activities at meat plants to determine compliance with state and federal food safety rules. A meat inspector is trained to recognize potential food safety issues and is authorized to write notices of violations when problems are noted. *An inspector may detain animals with potential issues, but the final determination of fitness to enter the food supply is by a BOAH veterinarian.*

Daniel Spears has worked for BOAH as a meat inspector since April 2017. Daniel would like to leave state employment and work for Ladoga Frozen Foods and Retail Meats, Inc. (Ladoga). Ladoga is a meat plant that BOAH inspects. Ladoga is not a plant that Daniel normally inspects; however, Daniel has completed inspection of Ladoga on occasions while covering the shifts of other employees who were on leave. Specifically, Daniel has covered inspection duties at Ladoga for one shift in 2018 and 21 shifts in 2019 to date.

Daniel's position as a meat inspector implements rules and policy but he has no authority to create rules or policy.

Daniel has no authority to negotiate or administer any contracts as a meat inspector. BOAH has not contracts with Ladoga.

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

Daniel's prospective position with Ladoga would be as an "apprentice," wherein he would work in the plant for a period of years with the potential to purchase the business in the future. While working in the plant, he could be involved with any task associated with Ladoga's business operations, including slaughtering animals and processing meat products.

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:

Daniel's position with Ladoga will involve business operations, including slaughtering animals and the processing and sale of meat products. BOAH will continue to inspect Ladoga's meat production processes from a food safety perspective. BOAH's inspections include evaluating cleanliness and inspecting carcasses for contamination. Currently BOAH is in the Ladoga facility between 2 to 4 days each week, the frequency is determined by BOAH based on the operations conducted at the plant.

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:

During his term at BOAH Daniel has received extensive training in food safety concepts, rules and policies. The knowledge and skills Daniel obtained during his training and experience at BOAH could benefit Ladoga by helping the business comply with food safety requirements and avoid or appropriately address food safety issues. Having personnel in meat plants with food safety knowledge and skills reduces the risk of food safety issues which benefits consumers. This is all consistent with BOAH's food safety mission.

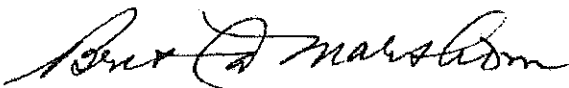
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Spear's trade prior to working for the State of Indiana was work as a meat cutter / processor. Without a waiver, he will be severely limited in his ability to resume work in his trade in Indiana other than continuing to work for the State Board of Animal Health. He is unable to wait 365 days after leaving BOAH because has a family to support and would be unable to pay for basic living necessities for such an extended period of time. Perhaps he could find work in another field for 365 days, but his experience and training and therefore best prospects for employment are in the meat business. Mr. Spears says: "I'm a meat cutter by trade and this is what I know. And this is how I want to make my living!"

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.



Signature

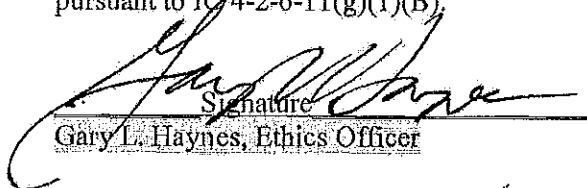
Bret D. Marsh, DVM, State Veterinarian

7/1/19

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).



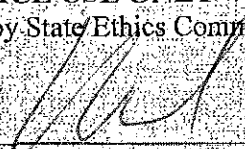
Signature

Gary L. Haynes, Ethics Officer

7/1/19

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	7-11-19
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.*