



SEP 12 2019

IC 4-2-6-11

Post-employment waiver

FILED

As the Appointing Authority of the Indiana State Fair Commission (the "ISFC"), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Kristen Wolfred ("Wolfred") in her post-employment with Ungerboeck Software International.

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:

Wolfred currently serves as the ISFC's contract manager for the contract with Ungerboeck Software International ("software company"), which the ISFC utilizes to generate and track contracts, manage events, and manage the ISFC's financials. Wolfred was not involved in the original contract solicitation or selection process where the ISFC selected to utilize software company's services. As such, Wolfred was not the original contract manager, but due to a change in work roles in 2015, the employee was assigned to oversee this contract. As the current contract manager, Wolfred has attended training to learn how to set up the software for the ISFC, train ISFC employees to use the software, and try to solve issues internally with the software when/if issues arise.

In 2018, while Wolfred was the contract manager of the then expiring contract, Wolfred worked with the ISFC's VP of Administration to establish a new contract with the software company to continue services. It should be noted that the software company has been under contract with the ISFC since 2006 and is the primary software used to operate ISFC business.

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

Wolfred would serve as a consultant for the software company's exiting customers and new customers with implementing software. Wolfred would not be involved in any sales or contracting, simply support and consulting in the software for the business(s) utilizing it. Wolfred would be involved in strategic planning for the potential implementation of newer software features as they come to fruition. Wolfred would not perform any job functions for the software company directly relating to the ISFC's account.

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:

Wolfred would not be consulting with the ISFC or servicing the ISFC account in her role with the prospective employment with the software company. There will be no substantial contact and no pecuniary business contact between the ISFC and Wolfred's position with the software company. The ISFC's account with the software company will continue to be assigned to a different individual for account services and support services.

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:

Wolfred's prospective employment with the software company would not provide a benefit or detriment to the state or the public.


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

Wolfred would experience economic hardship to have to wait 365 days after leaving State employment to take this job. Other than this job, Wolfred has no other job prospects and would be unemployed.

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.



Cynthia C. Hoye, Executive Director

8/19/19

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).

Will Forrest
Will Forrest, Ethics Officer

8/19/19
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
<u>[Signature]</u> Katherine Noel, Chair, State Ethics Commission	<u>9-12-19</u> 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.