

IC 4-2-6-6 Confidential Information
42 IAC 1-5-6 Conflicts of interests; decisions and voting (IC 4-2-6-9)
42 IAC 1-5-14 Postemployment restrictions (IC 4-2-6-11)

The Ethics Officer sought advice on behalf of an FSSA employee regarding the application of the post-employment restrictions to an employment opportunity in the private sector with a firm that had contractual relations with the State in matters of public health policy. The employee participated in collaborative projects with the firm's employees including the submission of project waivers. SEC determined that the employee did not have decision-making authority over the contracts the firm had with FSSA and was not subject to the one-year cooling off requirement found in IC 4-2-6-11. SEC further found that the former employee must refrain from assisting or representing the firm or its clients in any particular matters she personally and substantially participated in during her state employment.

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The Indiana State Ethics Commission (Commission) issues the following advisory opinion concerning the State Code of Ethics (Code) pursuant to IC 4-2-6-4(b)(1). The following opinion is based exclusively on sworn testimony and documents presented by the requestor.

BACKGROUND

The General Counsel and Ethics Officer (the "Ethics Officer") for the Indiana Family and Social Services Administration (FSSA), seeks a formal advisory opinion on behalf of an FSSA employee (the "Employee"). The Employee began her tenure with the State in 2009 as an intern with the Office of the Indiana Attorney General (OAG). Since that time, she has passed the Indiana Bar and has worked continuously for the State in capacities with the OAG and the Family and Social Services Administration's (FSSA) Office of Medicaid Policy and Planning (OMPP).

The Employee's tenure at FSSA began in September of 2012 when she accepted a position as a Policy Development Lead with the FSSA-OMPP. In November of 2013, she became the FSSA-OMPP Government Relations Employee, and in 2015 she became the FSSA-OMPP Manager of State Plan and Waivers. Since January of 2016, the Employee has served as an attorney within FSSA's Office of General Counsel.

The Employee is planning to leave FSSA to join the private sector as a consultant for SVC, Inc. (SVC). SVC is a strategic health policy consulting firm that provides support to state governments and other entities with public health policy initiatives. SVC's contract with FSSA began in 2010 and requires SVC to assist with the provision of management, research services, document review and preparation, and advice and strategic planning on the following projects: Aged, Blind and Disabled Managed Care Project, 209(b) Transition to 1634 Project, Payment Redesign Project, and the Healthy Indiana Plan (HIP) Expansion or HIP 2.0. SVC's efforts sometimes involve assisting FSSA leadership with drafting and negotiating State Plan, State Plan Amendment (SPA) and waiver submissions.

The Employee desires to join SVC as a consultant. She indicates her roles may include: working with various client team members on policy development activities, providing consultation on change management, driving issue resolution, monitoring potential project risks, and communication statuses to various stakeholders. While she will have the opportunity to work with SVC's out-of-state clients like Kentucky and Iowa, the Employee may also have the opportunity to work on Indiana-specific projects.

The Ethics Officer provides that the Employee has not interacted with SVC since engaging in discussions with SVC regarding potential post-employment with SVC. In an effort to screen the Employee from SVC interactions, the Ethics Officer instructed her to avoid any projects or teams involving SVC. The Ethics Officer is aware that the Employee, as a member of the FSSA Office of General Counsel staff, sat in meetings on an FSSA-OMPP policy project (involving a waiver) with SVC team members, FSSA-OMPP members, and FSSA Office of General Counsel members earlier this year. However, these meetings occurred before the Employee engaged in post-employment discussions with SVC.

In her roles as Government Relations Employee, Manager of State Plans and Waivers, and to a small extent as an attorney with the Office of General Counsel, the Employee, along with many other FSSA-OMPP team members, was tasked by FSSA leadership to participate on administrative policy "teams." These teams worked collaboratively on OMPP administrative policy initiatives like various aspects of HIP 2.0; the 209(b) to 1634 Transition Project; the Aged, Blind and Disabled (ABD) project (Hoosier Care Connect); and the End-Stage Renal Disease (ESRD) Project. These policy initiatives are large-scale, systematic programs of general application, meant to develop and reform the basic functions of the Medicaid program. HIP 2.0 is a waiver program that replaces traditional Medicaid in Indiana, bringing consumer-driven health care to almost 400,000 Hoosiers. The 1634 project transitioned Indiana to accept the Social Security Administration's definition of "disability" for purposes of Medicaid eligibility rather than making its own determination. The ESRD project is a waiver project that retained Medicaid eligibility for a small group of individuals who would have otherwise lost eligibility and been removed from their place on the national kidney transplant list due to the 1634 transition. The Hoosier Care Connect project is a new Medicaid managed care program for the aged, blind, and disabled.

The Employee attended teleconference meetings regarding the HIP 2.0 project with other state employees, SVC employees, and employees from the federal government's Centers for Medicare and Medicaid Services (CMS). In these phone calls, CMS communicated the technical and substantive requirements of the Alternative Benefit Plan (ABP) SPA submissions to state and SVC staff. The staff members on these calls for both OMPP and SVC worked together to communicate the information from CMS to FSSA leadership and SVC leadership. The Employee indicates that decisions were made by leadership, not by either SVC or OMPP employees on the phone calls. She indicates that participants on the calls worked together to make sure Indiana's interests on the project were communicated to CMS and any CMS concerns were taken back to leadership for consideration. She submitted these ABPs for CMS approval after receiving approval from FSSA leadership to do so.

As mentioned above, the Employee also participated in meetings for the 1634 Transition, ESRD, and Hoosier Care Connect projects. For these projects, she indicates that staff members

from SVC served as project managers. The meetings included the project manager as well as employees from various departments within FSSA and OMPP. Some of these meetings also included phone calls with other contractors and/or with CMS. The members of these various project teams worked collaboratively to make smaller day-to-day decisions that impacted their respective area of expertise, including what may or may not be included in the SPA or waiver submissions. If there were any topics that the teams could not come to a consensus on or any large-scale decisions to be made, the Employee notes that these were handled by FSSA leadership. She said that SVC employees facilitated the meetings by: scheduling the meetings, developing agendas, assuring the correct OMPP and/or FSSA employees were included, and assisting in drafting documents.

The Ethics Officer notes that the HIP Expansion waiver, 1634 Project, ABD project, and ESRD waiver have already been submitted and approved by the Federal government — thus they are concluded projects. FSSA may at some point in the future submit new waivers to extend and/or modify these programs, but her understanding is that these future projects would be distinct submissions and, therefore, not subject to the particular matter restriction, should the Commission find that this restriction applies to the Employee.

In addition to her participation in meetings with other team members on the large-scale policy initiatives and projects, the Employee also worked with SVC more closely during her tenure as FSSA's Manager of State Plans and Waivers. FSSA contracted with SVC to assist with development of certain SPAs and waivers, including the HIP 2.0 waiver. Upon FSSA leadership approving the policy direction and content of the respective SPA or waiver, these documents were submitted to CMS for review and approval.

In her role as Manager of State Plans and Waivers, the Employee had the very specific task of submitting SPAs and waivers to CMS via an online web portal. Only a few state employees at a time had access to this portal, and she was the designated individual to “push the button” to submit the finalized documents. Notably, she indicates that only FSSA leadership would instruct her to submit the finalized documents. Should SVC and FSSA team members be working on a submission together and a disagreement took place, the Employee indicates she would defer the issue to FSSA leadership for resolution with SVC leadership. The Ethics Officer notes that the FSSA Medicaid Director confirmed that the Employee did not have discretion to question or stall the submission process.

In the role as Manager of State Plans and Waivers, the Employee also served as a liaison to the Federal government, often times attending calls with the Federal government as a state representative, or fielding questions from the Federal government regarding the status of State Plan, SPA, or waiver submissions. She, along with other staff members, also assisted the OMPP team with the technical drafting of various submissions.

As background, the Ethics Officer provides that the Indiana Medicaid State Plan is technically an agreement between the State and the Federal government describing how the State administers its Medicaid program, but its implications are far broader than a traditional contract, license or business transaction. As noted earlier, it describes the core of Indiana's Medicaid program. It gives assurance that a state will abide by Federal rules and that the state may claim Federal

matching funds for its program activities. The State Plan sets out groups of individuals to be covered, services to be provided, methodologies for providers to be reimbursed and the administrative activities that are underway in the state. When a state is planning to make a change to its program policies or operational approach, the state sends a SPA to CMS for review and approval. States also submit SPAs to request permissible program changes, make corrections, or update their Medicaid State Plan with new information.

In addition to the State Plan, Indiana has several Medicaid waivers. A waiver corresponds to the portion of the Social Security Act that the State has asked CMS to waive, and they include: 1915(c) home and community based services waivers, allowing the state to offer services not available under the State Plan; 1915(b) managed care waivers, allowing the State to enroll all members of a certain area or population into managed care; and 1115 demonstrations, allowing the State to operate a pilot program that promotes the objectives of the Medicaid program. As it relates to State Plan, SPA and waiver submissions for Indiana, The Employee, along with other OMPP team members, would do any one or more of the following: assist with formatting and technical aspects of drafting a SPA submission, coordinate the technical SPA requirements with the OMPP team wishing to make the change, coordinate a response to CMS' formal and informal questions, and communicate with CMS on the status of federal approval.

The Ethics Officer reiterated that the Employee did not have decision-making authority over the State Plan, SPAs or waiver submissions. She had the task of submitting final submissions via the portal. The Medicaid Director indicated to the Ethics Officer that the Employee did not have discretion to alter the course of the submissions — if the Employee attempted to exercise discretion on the submissions, another FSSA employee would be tasked to take over the submission process.

The Ethics Officer seeks clarification from the Commission regarding the post-employment rule as it applies to the Employee. Specifically, the Ethics Officer would like clarification from the Commission regarding whether the Employee's interactions with SVC would constitute "negotiation or administration" of the SVC contract and, if so, whether the Employee would be considered to have had discretionary authority over the SVC contract. The Ethics Officer would also like clarification as to whether The Employee's participation in large-scale OMPP policy initiatives or the associated projects would trigger the post-employment rule's particular matter restriction.

ISSUE

What rules in the Code apply to the Employee's prospective post-employment opportunity with SVC?

RELEVANT LAW

IC 4-2-6-6

Present or former state officers, employees, and special state appointees; compensation resulting from confidential information

Sec. 6. No state officer or employee, former state officer or employee, special state appointee, or former special state appointee shall accept any compensation from any employment, transaction, or investment which was entered into or made as a result of material information of a confidential nature.

IC 4-2-6-9 (42 IAC 1-5-6)

Conflict of economic interests; commission advisory opinions; disclosure statement; written determinations

Sec. 9. (a) A state officer, an employee, or a special state appointee may not participate in any decision or vote, or matter related to that decision or vote, if the state officer, employee, or special state appointee has knowledge that any of the following has a financial interest in the outcome of the matter:

(1) The state officer, employee, or special state appointee.

(2) A member of the immediate family of the state officer, employee, or special state appointee.

(3) A business organization in which the state officer, employee, or special state appointee is serving as an officer, a director, a member, a trustee, a partner, or an employee.

(4) Any person or organization with whom the state officer, employee, or special state appointee is negotiating or has an arrangement concerning prospective employment.

(b) A state officer, an employee, or a special state appointee who identifies a potential conflict of interest shall notify the person's appointing authority and ethics officer in writing and do either of the following:

(1) Seek an advisory opinion from the commission by filing a written description detailing the nature and circumstances of the particular matter and making full disclosure of any related financial interest in the matter. The commission shall:

(A) with the approval of the appointing authority, assign the particular matter to another person and implement all necessary procedures to screen the state officer, employee, or special state appointee seeking an advisory opinion from involvement in the matter; or

(B) make a written determination that the interest is not so substantial that the commission considers it likely to affect the integrity of the services that the state expects from the state officer, employee, or special state appointee.

(2) File a written disclosure statement with the commission that:

(A) details the conflict of interest;

(B) describes and affirms the implementation of a screen established by the ethics officer;

(C) is signed by both:

(i) the state officer, employee, or special state appointee who identifies the potential conflict of interest; and

(ii) the agency ethics officer;

(D) includes a copy of the disclosure provided to the appointing authority; and

(E) is filed no later than seven (7) days after the conduct that gives rise to the conflict.

A written disclosure filed under this subdivision shall be posted on the inspector general's Internet web site.

(c) A written determination under subsection (b)(1)(B) constitutes conclusive proof that it is not a violation for the state officer, employee, or special state appointee who sought an advisory opinion under this section to participate in the particular matter. A written determination under subsection (b)(1)(B) shall be filed with the appointing authority.

IC 4-2-6-11 (42 IAC 1-5-14)

One year restriction on certain employment or representation; advisory opinion; exceptions; waivers; disclosure statements; restrictions on inspector general seeking state office

Sec. 11. (a) As used in this section, "particular matter" means any of the following:

- (1) An application.
- (2) A business transaction.
- (3) A claim.
- (4) A contract.
- (5) A determination.
- (6) An enforcement proceeding.
- (7) An investigation.
- (8) A judicial proceeding.
- (9) A lawsuit.
- (10) A license.
- (11) An economic development project.
- (12) A public works project.

The term does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application.

(b) A former state officer, employee, or special state appointee may not accept employment or receive compensation:

- (1) as a lobbyist;
- (2) from an employer if the former state officer, employee, or special state appointee was:
 - (A) engaged in the negotiation or the administration of one (1) or more contracts with that employer on behalf of the state or an agency; and
 - (B) in a position to make a discretionary decision affecting the:
 - (i) outcome of the negotiation; or
 - (ii) nature of the administration; or

(3) from an employer if the former state officer, employee, or special state appointee made a regulatory or licensing decision that directly applied to the employer or to a parent or subsidiary of the employer;

before the elapse of at least three hundred sixty-five (365) days after the date on which the former state officer, employee, or special state appointee ceases to be a state officer, employee, or special state appointee.

(c) A former state officer, employee, or special state appointee may not represent or assist 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 officer, employee, or special state appointee, even if the former state officer, employee, or special state appointee receives no compensation for the representation or assistance.

(d) A former state officer, employee, or special state appointee may not accept employment or compensation from an employer if the circumstances surrounding the employment or compensation would lead a reasonable person to believe that:

- (1) employment; or
- (2) compensation;

is given or had been offered for the purpose of influencing the former state officer, employee, or special state appointee in the performance of the individual's duties or responsibilities while a state officer, an employee, or a special state appointee.

(e) A written advisory opinion issued by the commission certifying that:

- (1) employment of;
- (2) consultation by;
- (3) representation by; or
- (4) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.

(f) Subsection (b) does not apply to the following:

- (1) A special state appointee who serves only as a member of an advisory body.
- (2) A former state officer, employee, or special state appointee who has:
 - (A) not negotiated or administered any contracts with that employer in the two (2) years before the beginning of employment or consulting negotiations with that employer; and
 - (B) any contract that:
 - (i) the former state officer, employee, or special state appointee may have negotiated or administered before the two (2) years preceding the beginning of employment or consulting negotiations; and
 - (ii) is no longer active.

(g) An employee's or a special state appointee's state officer or appointing authority may waive application of subsection (b) or (c) in individual cases when consistent with the public interest. A waiver must satisfy all of the following:

- (1) The waiver must be signed by an employee's or a special state appointee's:
 - (A) state officer or appointing authority authorizing the waiver; and
 - (B) agency ethics officer attesting to form.
- (2) The waiver must include the following information:
 - (A) Whether the employee's prior job duties involved substantial decision making authority over policies, rules, or contracts.
 - (B) The nature of the duties to be performed by the employee for the prospective employer.
 - (C) 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.
 - (D) 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.
 - (E) The extent of economic hardship to the employee if the request for a waiver is denied.
- (3) The waiver must be filed with and presented to the commission by the state officer or appointing authority authorizing the waiver.
- (4) The waiver must be limited to an employee or a special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation of subsection (b) or (c).

The commission may conduct an administrative review of a waiver and approve a waiver only if the commission is satisfied that the information provided under subdivision (2) is specifically and satisfactorily articulated. The inspector general may adopt rules under IC 4-22-2 to establish criteria for post employment waivers.

(h) Subsection (b) applies, subject to waiver under subsection (g), to a former state officer, employee, or special state appointee who:

- (1) made decisions as an administrative law judge; or
- (2) presided over information gathering or order drafting proceedings;

that directly applied to the employer or to a parent or subsidiary of the employer in a material manner.

(i) A former state officer, employee, or special state appointee who forms a sole proprietorship or a professional practice and engages in a business relationship with an entity that would otherwise violate this section must file a disclosure statement with the commission not later than one hundred eighty (180) days after separation from state service. The disclosure must:

- (1) be signed by the former state officer, employee, or special state appointee;
- (2) certify that the former state officer, employee, or special state appointee is not an employee of the entity; and
- (3) state in detail the treatment of taxes, insurance, and any other benefits between the entity and the former state officer, employee, or state appointee.

(j) The inspector general may not seek a state elected office before the elapse of at least three hundred sixty-five (365) days after leaving the inspector general position.

ANALYSIS

A. Confidential Information

IC 4-2-6-6 prohibits the Employee from accepting any compensation from any employment, transaction, or investment that was entered into or made as a result of material information of a confidential nature. The Employee affirmed that she would not utilize confidential information in her potential employment with SVC. So long as any compensation the Employee receives does not result from confidential information, her potential employment with SVC would not violate IC 4-2-6-6.

B. Conflict of Interest

IC 4-2-6-9(a)(1) prohibits the Employee from participating in any decision or vote, or matter related to that decision or vote, if she has a financial interest in the outcome of the matter. Similarly, IC 4-2-6-9(a)(4) prohibits her from participating in any decision or vote, or matter related to that decision or vote, in which a person or organization with whom she is negotiating or has an arrangement concerning prospective employment has a financial interest in the outcome of the matter. The definition of financial interest in IC 4-2-6-1(a)(11) includes, “an interest arising from employment or prospective employment for which negotiations have begun.”

In this case, employment negotiations have already begun. Accordingly, the Employee would be prohibited from participating in any decision or vote, or matter related to a decision or vote, in which she, by virtue of her employment negotiations with SVC, or SVC itself would have a financial interest in the outcome of the matter.

The Ethics Officer provided that the Employee's current position does not involve direct interactions with SVC of the type she had while serving as the Manager of State Plans and Waivers. Further, the Ethics Officer has screened the Employee from all FSSA-OMPP projects in which SVC is involved. The Employee must continue to ensure she does not participate in any decisions or votes, or matters relating to any such decisions or votes, in which she or SVC has a financial interest in the outcome of the matter for the remainder of her state employment. Further, if she identifies a potential conflict of interests, she must follow the requirements in IC 4-2-6-9(b) to avoid violating this rule.

C. Post-Employment

IC 4-2-6-11 consists of two separate limitations: a "cooling off" period and a "particular matter" restriction. The first prohibition, commonly referred to as the cooling off or revolving door period, prevents the Employee from accepting employment from an employer for 365 days from the date that she leaves state employment under various circumstances.

First, the Employee is prohibited from accepting employment as a lobbyist for the entirety of the cooling off period. A lobbyist is defined as an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under the rules adopted by the Indiana Department of Administration.

Based on the information provided, the Employee would not be required to engage in any lobbying activities or register as an executive branch lobbyist in her prospective employment with SVC. To the extent that she does not engage in executive branch lobbying for one year after leaving state employment, her intended employment with SVC would not violate this provision of the post-employment rule.

Second, the Employee is prohibited from accepting employment for 365 days from the last day of her state employment from an employer with whom 1) she engaged in the negotiation or administration of a contract on behalf of a state agency and 2) was in a position to make a discretionary decision affecting the outcome of the negotiation or nature of the administration of the contract.

The Commission finds that this prohibition does not apply to the Employee's opportunity with SVC. Specifically, regarding the negotiation of SVC's contract with FSSA, The Ethics Officer indicated that negotiations were completed by the FSSA Secretary and Medicaid Director in 2010, prior to the Employee's acceptance of her first position with

FSSA-OMPP in 2012. Therefore, she was not involved in any aspect of the negotiation of this contract.

Further, regarding administration, although she played an integral role in the process involving part of SVC's responsibilities under their contract, the Employee did not have the authority to make discretionary decisions affecting the outcome of the administration of SVC's contract with FSSA.

As part of their contract with FSSA, SVC assisted with the development of SPAs and waivers for large-scale FSSA public health policy projects. FSSA then needed to submit these SPAs and waivers to the federal government (CMS) for approval.

Along with serving as a member of a team of individuals who generally assisted with these types of submissions, the Employee was designated as the individual who "pushed the button" to submit the finalized documents through the Federal government's web portal. Based on the information provided, however, all decisions regarding submission of the SPAs and waivers were made by FSSA leadership, not SVC or FSSA-OMPP employees, such as the Employee. Specifically, she only submitted these documents for federal approval after being instructed to and receiving approval to do so from FSSA leadership. She did not have discretion to question submissions, alter the course of submissions or otherwise exercise discretion related to these submissions.

Accordingly, the Commission finds that this provision of the cooling-off restriction would not prohibit the Employee from pursuing the employment opportunity with SVC immediately upon leaving state employment.

Third, the Employee is prohibited from accepting employment for 365 days from the last day of her state employment from an employer for whom she made a regulatory or licensing decision that directly applied to the employer or its parent or subsidiary.

The Commission finds that this provision does not apply to the Employee as she has not made a regulatory or licensing decision that directly applied to SVC or any of its subsidiaries during the course of her state employment. Consequently, she is not prohibited under this provision from accepting employment with SVC immediately upon leaving state employment.

Fourth, the Employee is prohibited from accepting employment from an employer if the circumstances surrounding the hire suggest the employer's purpose is to influence her in her official capacity as a state employee. The information presented to the Commission does not suggest that SVC extended an offer of employment to the Employee in an attempt to influence her in her capacity as a state employee. Accordingly, the Commission finds that this restriction does not apply to the Employee intended employment opportunity with SVC.

Finally, the Employee is subject to the post-employment rule's "particular matter" prohibition in her prospective post-employment. This restriction prevents her from representing or assisting a person on any of the following twelve matters if she personally

and substantially participated in the matter as a state employee: 1) an application, 2) a business transaction, 3) a claim, 4) a contract, 5) a determination, 6) an enforcement proceeding, 7) an investigation, 8) a judicial proceeding, 9) a lawsuit, 10) a license, 11) an economic development project, or 12) a public works project. The particular matter restriction is not limited to 365 days but instead extends for the entire life of the matter at issue, which may be indefinite.

The majority of the Employee's interactions with SVC involved serving as a member of FSSA-OMPP policy teams tasked to work collaboratively on OMPP administrative policy initiatives such as various aspects of HIP 2.0; the 209(b) to 1634 Transition Project; the Aged, Blind and Disabled (ABD) project (Hoosier Care Connect); and the End-Stage Renal Disease (ESRD) Project. According to the information provided by FSSA, these policy initiatives are large-scale, systematic programs of general application, meant to develop and reform the basic functions of the Medicaid program.

The term particular matter does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or administrative policy or practice of general application.

Accordingly, the Commission finds that the overall policies and practices of general application that the Employee was involved in as an FSSA employee would not be considered particular matters for purposes of the post-employment rule. Consequently, she would not be prohibited from working on these matters for SVC. The Commission cautioned, however, that the particular matter restriction could apply to components of the overall matters of general application and she would need be mindful of these if she works on these matters for SVC.

The waivers and SPAs that the Employee was involved in, including the ones she was tasked with submitting for federal approval, as part of these large-scale policy projects would be considered transactions or applications, and thus particular matters. Accordingly, the Commission finds that the Employee would be prohibited from assisting or representing SVC, or any other person, on these waivers and SPAs that she submitted for the life of the matters. She would, however, be permitted to assist SVC with any new waiver and SPA submissions initiated after she leaves state employment.

The Employee provided that the waivers and SPAs that she worked on in her various positions with FSSA have already been submitted and approved by the Federal government and are thus concluded projects and that she would not be assisting SVC with these matters.

The Commission further finds that the Employee must ensure compliance with the particular matter restriction and refrain from assisting or representing SVC, or any other person, on any additional particular matters that she may have personally and substantially worked on during her state employment regardless of whether it involves SVC.

CONCLUSION

Subject to the foregoing analysis and the application of the one-year restriction regarding executive branch lobbying, the Commission finds that the Employee's post-employment opportunity with SVC would not violate the post-employment restrictions found in IC 4-2-6-11.

Respectfully Submitted,

Jennifer Cooper
Ethics Director