



Eric Holcomb, Governor
State of Indiana

Indiana Family and Social Services Administration
402 W. WASHINGTON STREET, P.O. BOX 7083
INDIANAPOLIS, IN 46207-7083

INDIANA
STATE ETHICS COMMISSION

JUL 12 2018

FILED

Via Electronic Mail

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
info@ig.in.gov

June 26, 2018

RE: IC 4-2-6-11 Post-employment waiver for Lori Buttram

As the Appointing Authority of the Indiana Family and Social Services Administration ("FSSA"), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Lori Buttram in her post-employment with Evansville Vanderburgh School Corporation.

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:

Per Ms. Buttram, as a licensing consultant for the FSSA Office of Early Childhood and Out of School Learning she was not directly involved in policymaking, rulemaking or contract administration. Ms. Buttram asserts that her duties included issuing citations to child care providers, including the Evansville Vanderburgh School Corporation, when she identified or observed a licensing compliance issue. It was Ms. Buttram’s responsibility to make recommendations regarding child care license renewals; however, she did not have final authority in issuing any licenses, variances, waivers, etc. She submitted her to the Child Care Facilities Manager or the Director of Office of Early Childhood and Out of School Learning for review and a final decision.

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

Ms. Buttram provided information that her prospective employment will be as the lead caregiver for infants and toddlers of employees of the Evansville Vanderburgh School Corporation at one of the elementary schools within the corporation. The position will require her to adhere to the childcare licensing regulations. Additionally, she will be responsible for planning learning activities for the children and ensuring the safety of the children. Additionally, her responsibilities will include keeping up to date observations and assessments of development of the

children for whom she is responsible as the lead caregiver. Furthermore, she will be required participate in continuing education and professional development training. Ms. Buttram will also be responsible for maintaining copies of training records and documents related to licensing organized in her personal file for the licensing consultant to review during annual licensing inspections of the school.

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:

According to the information provided by Ms. Buttram, she will have contact with the Office of Early Childhood and Out of School Learning during the annual licensing inspection of the school where she is the lead caregiver when an Office of Early Childhood and Out of School Learning licensing consultant visits the classroom. She anticipates that her supervisor at the school will have the most interactions with the Office of Early Childhood and Out of School Learning staff. Per Ms. Buttram, she will not make licensing decisions. She asserts that her interactions will be limited to providing documentation needed for the annual inspection.

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 parents and students of the Evansville Vanderburgh School Corporation will benefit from Ms. Buttram knowledge and application of the licensing rules and safe sleep standards in a school setting as a lead teacher.

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

If the waiver is denied, Ms. Buttram will suffer an extreme economic hardship because she will be out of work because she has already resigned from FSSA with an effective day of July 18. Ms. Buttram is taking a pay cut to assume the role of lead teacher because she is passionate about teaching and staying in her community. If she were denied the waiver and required to seek employment in another field it would have a deleterious impact on her earning potential given that she would be leaving a profession where she has two degrees and substantial experience for a position where she will likely have to start at the entry level. If the waiver is denied, she anticipates that to earn a wage sufficient to support her family that she would have would be uproot her family and move to another community where she has not worked as a licensing consultant. This would be a hardship on her because it would

be costly, her partner has a business in Evansville, and she has school age children involved in activities in Evansville.

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

Dr. Jennifer Walthall, Secretary

DATE 7.9.18

2. Ethics Officer of agency

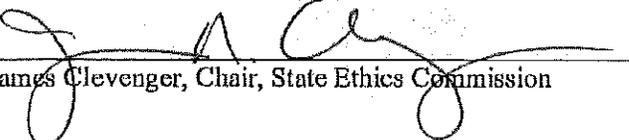
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).


Signature

Latosha N. Higgins, Managing Attorney

DATE 7-9-18

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY Approved by State Ethics Commission	
 James Clevenger, Chair, State Ethics Commission	Date <u>7/12/18</u>

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.*