

# **INDIANA DEPARTMENT OF TRANSPORTATION**

100 North Senate Avenue Room N758 Indianapolis, Indiana 46204 PHONE: (855) 463-6848

Eric Holcomb, Governor Michael Smith, Commissioner

November 27, 2024

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INDIANA STATE

Katherine Noel, Chair Indiana State Ethics Commission 315 West Ohio Street, Room 104 Indianapolis, IN 46202

IC 4-2-6-11 Post-employment waiver – Arianna Gill

As the Appointing Authority of the Indiana Department of Transportation (INDOT"), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Arianna Gill in her post-employment with Lochmueller.

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission. I hereby Michele Steele, Ethics Officer, as the Appointing Authority solely for the purpose of effectuating this waiver through the Commissioner's process.

Arianna Gill, a five-year employee of INDOT, has accepted the role of the Environmental Document Preparer at Lochmueller. After seeking an informal ethics opinion, INDOT is filing this waiver to address potential areas of applicability of post-employment restrictions.

This waiver is in regard to the part of the "cooling off" period as indicated below. This waiver does not include a waiver from the particular matter restriction under IC 4-2-6-11(c) as it relates to the transportation projects that Ms. Gill was assigned during her employment at INDOT. To the extent that a particular matter restriction applies to Ms. Gill and the transportation projects that Ms. Gill was assigned, Ms. Gill and INDOT have executed a screen, which was filed with the State Ethics Commission on November 13, 2024, and attached as Attachment A to this waiver. See Attachment A, Section II.3. This screen shall remain in effect and Ms. Gill shall screen herself from the transportation projects she was assigned during her employment at INDOT. Further, Ms. Gill shall not disclose INDOT's confidential information after she leaves state employment. See Attachment A, Section II.4. Ms. Gill has indicated that Lochmueller that as a condition of her employment, that she is required to effectuate the proper screen to ensure that Ms. Gill abides by IC 4-2-6-11(b)(1) and (c). Ms. Gill has received an informal advisory opinion from the Office of the Inspector General regarding these matters.

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.
presenting	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.
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- 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:

Arianna GIII has not had policymaking, regulatory, licensing, or rule-making authority in any of her roles at INDOT. Ms. GIII has had authority and oversight over the administration of some contracts and INDOT vendor work.

Ms. Gill currently serves as the Environmental Supervisor in the Fort Wayne District at INDOT. Ms. Gill's primary roles and responsibilities have included final approval of all National Environmental Policy Act (NEPA) Documentation for the Capital Program that falls under a Programmatic Categorical Exclusion (CE), CE-1 and CE-2 level of documentation. NEPA requires INDOT to review all transportation projects to ensure that projects are following federal and state requirements for NEPA. Ms. Gill would review documentation to ensure they met requirements and then submit these plans to other federal and state agencies for approval. Ms. Gill is the subject matter expert in NEPA and assists in the review of Letter of Interest (LOI) submittals, which is how INDOT chooses a consultant to take on a contract. Ms. Gill also reviews work products required for NEPA and schedules to ensure the NEPA process is appropriately completed. Consultants come to Ms. Gill with issues and concerns regarding NEPA in the project development process. She manages a team of four, which includes two full time employees and two seasonal employees.

Ms. Gill has been involved with 38 current projects. Her work on those projects included, but was not limited to, reviewing work products required for NEPA, scheduling to ensure the NEPA process is appropriately completed, responding to concerns from consultants with issues and concerns regarding NEPA in the project development process, and assisting in the review of Letter of Interest (LOI) submittals, which is how INDOT chooses which consultants are awarded a contract. Assisting in the review of LOI submittals is minimal, in that Ms. Gill has only reviewed four (4) Request for Proposals (RFP) in her entire time with INDOT.

Lochmueller provides NEPA studies and documentation, topographic surveys, engineer reports, Right of Way Plans, geotechnical reports, and final tracing documents on several INDOT projects. Ms. Gill also had discretionary authority over the administration of contracts with several consulting firms. In her role, Ms. Gill reviewed the LOI documents for Requests for Proposal ("RFPs) for services which ultimately determined who would be awarded contracts, but she was not a scorer for the contracts. Ms. Gill provided her comments after reviewing the LOI documents for quality and accuracy to the INDOT Capital Program Management team in the District that the project was located. INDOT employees from the INDOT Capital Program Management Division — a separate division — scored those RFPs and negotiated those contracts with Lochmueller. Once Lochmueller was under contract with INDOT, a different INDOT project manager managed Lochmueller's services. As a result, Ms. Gill did not directly oversee Lochmueller's work on any project or directly approve Lochmueller's invoices for work on any project.

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

Ms. Gill will serve as Environmental Document Preparer at Lochmueller. In that role, Ms. Gill will be responsible for the proper documentation of all assigned projects. Ms. Gill will write Red Flag Investigations, Early Coordination Letters, Waters of the US Reports, and NEPA Documents and Commitments. Ms. Gill will also be responsible for any INDOT projects assigned to Lochmueller; in that she will prepare the documentation that she currently approves for INDOT. In her role at Lochmueller, Ms. Gill will complete environmental documentation for INDOT projects and will coordinate with the Indiana Department of Environmental Management, Indiana

Department of Natural Resources, Unites States Fish and Wildlife Service (USFWS) and the United States Army Corp of Engineers. Ms. Gill will screen herself off Lochmueller's projects with INDOT in which she was assigned or had oversight while she worked at INDOT and must abide by all post-employment restrictions except those waived herein. Please see Attachment A.

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 of the employee:

Lochmueller currently has 189 active or on-call contracts with INDOT. One of the consulting services that Lochmueller provides is comprehensive environmental services with experts in NEPA studies, ecological restoration, cultural resources, endangered species monitoring, and permitting for a wide variety and a number of organizations, which includes INDOT. Because Ms. Gill will serve in a management role, she anticipates that she could potentially have contact with various INDOT personnel in the natural execution of transportation design projects, similar to any other project manager providing services to INDOT. However, Ms. Gill has indicated that she will not work on any matters that she previously worked on while employed at INDOT nor on new matters with INDOT in her role with Lochmueller during the required periods set forth in the State Ethics Code.

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:

Ms. Gill has served INDOT for three (3) years as the Environmental Supervisor related to final NEPA documentation on projects. NEPA documentation is required for all federally funded projects, and she reviewed documents to ensure they met regulatory requirements. As the Environmental Supervisor, Ms. Gill had the opportunity to collaborate with approximately forty-five (45) consulting firms that have done business with INDOT and many of those partners. Given Ms. Gill's role as Environmental Supervisor and the number of consultants that have worked on INDOT projects, it would be difficult for Ms. Gill to find employment suitable to her skills that did not include an actual or perceived conflict or need for a waiver of post-employment restrictions. Ms. Gill has accepted employment from an organization with whom she did not regulate, nor did she negotiate any contract and to whom she did not bestow any benefit or government funding.

It is in the public's interest and beneficial to the state, local governments, and other public entities to have Ms. Gill's unique experience to provide guidance to Lochmueller as it provides relevant environmental documentation that is required for all federally funded projects. Ms. Gill's position with Lochmueller would utilize her expertise to provide a better product for the state and other public agencies. To not award a waiver in this situation would mean that a waiver is not awardable to Ms. Gill for work at any other company in the Indiana transportation industry and would trap Ms. Gill in state employment for the remainder of her career. Trapping Ms. Gill at INDOT is against public policy. Every citizen deserves to choose their own career path. INDOT will not be able to attract suitable talent to fill its many roles if the State is not able to allow someone who has worked with so many different consultants that provide environmental services for INDOT to continue her career in the industry for another employer. Allowing Ms. Gill to take a role at a company with whom she had minimal interaction as a State employee is consistent with public interest.

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

For all of the same reasons, keeping Ms. Gill at INDOT by not awarding this waiver will create economic hardship for Ms. Gill. Ms. Gill has spent five (5) years of her career at INDOT earning state wages. Ms. Gill earns a salary that is, in some cases, lower than other environmental supervisors. Additionally, there are few opportunities for advancement of position and salary for Ms. Gill's in that she does not have any experience outside of INDOT related projects in her field and she has found it extremely difficult to find other similar work outside the transportation industry. Ms. Gill will not be able to continue to progress her career and her earnings further without seeking external employment or would have to relocate outside of the Fort Wayne area. As explained above, Ms. Gill was offered employment by a vendor in the transportation industry with whom Ms. Gill has had very limited involvement and to whom she did not award any contracts and for whom she did not oversee or sign any contracts. It would be difficult to find another situation where Ms. Gill could continue her career progression with minimal impacts on the agency.

1.	Appointing Authority/state officer of agency	
		ove-specified post-employment restrictions pursuant to IC 4-2-waiver is limited to an employee who obtains the waiver before riolation.
	Mul Smith	12/02/2024
	Michael Smith, Commissioner	DATE

INDIANA DEPARTMENT OF TRANSPORTATION

2. Ethics Officer of agency

C. Signatures

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).

Michele Steele, Ethics Officer
INDIANA DEPARTMENT OF TRANSPORTATION

12/02/2024

DATE

D. Approval by State Ethics Commission

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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.

# ATTACHMENT A

## FILED



# ETHICS DISCLOSURE STATEMENT CONFLICTS OF INTEREST – DECISIONS AND VOTING State From 56860 (R / 10-16) OFFICE OF THE INSPECTOR GENERAL

IC 4-2-6-9

NOV 1 8, 2024

INDIANA STATE ETHICS COMMISSION

in accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

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Name (last)	Name (first)		Name (mlddle)	
Gill     Name of office or agency	Arlanna	Job tille	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Indiana Department of Transportation			ental Section Manager	
Address of office (number and street)		City	- Language	ZIP code
5333 Hatfield Road		Fort Wayı	nė	46808
Office telephone number	Office e-mail address (required,	)		
( 260 ) 969-8262	agili@indot.in.gov			
Describe the conflict of interest:	# # Provide the Atlanta 37% of		······································	d Marma District
Arlanna Gill is an Environmental Section	Manager for the Indiana De	parment	of transportation- ro	it vvaytie District.
Arlanna Gill is planning on accepting em	ployment with the Lochmuell	er Group,	inc. ("LGI").	*****
LGI has a business relationship with IND	OT, including active contrac	ts with the	Department.	*********
Arianna's employment negotiations with	LGI therefore created a pote	ntial decis	lons and voting confl	let
of interest under IC 4-2-6-9. This disclos	ure is therefore being filed in	anticipati	on of that potential co	nflict.
Arlanna Gill is not subject to the mandat	ory cooling off period (IC 4-2	-6-11(b))	with regard to Lochm	uller Group, Inc.
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				1.01
Arlanna Gill is subject to the particular m	atter restriction and will not a	issist tutu	re employers, includir	ig LGI,
with any matter she personally and subs	tantially participated in on be	half of IN	DOT.	
This disclosure was provided to Ms. Gill's	appointing authority, Commi	ssioner M	ichael J. Smith, on No	vember 6, 2024.
Evidence of said disclosure to Commissi	oner Smith is filed herewith p	oursuant t	o IC 4-2-6-9(b)(2)(D).	***********
Pursuant to IC 4-2-6-9(b)(2), this disclos	ure was executed and filed w	vith the SE	C within seven days	(7)
of the potential conflict being identified by				
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Describe the screen established by your ethics officer. (Attach additional pages as needed.)  A formal screen was executed with INDOT ethics officer preventing Arlanna Gill from work	ing with Lochmuller Group, Inc.
in her capacity as an INDOT employee. Said screen prohibits Arianna Gill from exercising	any of her official duties
or otherwise participating in any decision or vote, or matter related to such decision or vote	e, involving LGI,
or in which LGI has an interest. Arianna Gill is further screened from assisting any future e	mployer,
including LGI, with any matter in which she personally and substantially participated while	employed by INDOT.
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The screen was executed on November 6, 2024 a copy of which was sent to Commission	er Michael J. Smith along
with this disclosure.	
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AFFIRMATION	
Your signature below affirms that your disclosures on this form are true, complete, and cor knowledge and belief. In addition to this form, you have attached a copy of your written disappointing authority and ethics officer.	
Signature of state officer employee or special state appointee	Date signed (month, day, year) 11/4/2024
Printed full name of state officer, employee or special state appointee Arianna Gill	
FOR ETHICS OFFICER USE ONLY	
Your signature below affirms that you have reviewed this disclosure form and that it is true,	
best of your knowledge and belief. You also attest that your agency has implemented the	
Signature of ethics officer	Date signed (month, day, year)
Printed full name of ethics officer Michele D. Steele	

# CONFLICT OF INTEREST SCREEN FOR ARIANNA GILL November 1, 2024

#### I. RECITALS

WHEREAS, Arlanna Gill is an Environmental Section Manager for the Indiana Department of Transportation-Fort Wayne District ("INDOT" or "Department"); and

WHEREAS, Arianna Gill recently is anticipating accepting employment with Lochmueller Group, Inc. ("LGI"); and WHEREAS, LGI has a business relationship with INDOT, including active contracts; and

WHEREAS, as Environmental Section Manager for INDOT Fort Wayne District, it is possible that Arianna Gill could be assigned to participate in matters in which LGI has an interest as part of her regular duties; and

WHEREAS, Arianna Gill's employment negotiations with LGI created a potential decision and voting conflict of interest under IC 4-2-8-9 requiring disclosure and a formal screen; and

WHEREAS, Arianna Gill is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers, including LGI, with any matter she personally and substantially participated in for INDOT; and

WHEREAS, Arianna Gill may have obtained confidential information in the course of her employment with INDOT and has an affirmative duty to protect such information from disclosure and to refrain from relying on such information for the benefit of herself or future employers.<sup>1</sup>

NOW THEREFORE, Arianna Gill, Environmental Section Manager for INDOT, for her remaining tenure with INDOT, or until she discontinues employment negotiations with Lochmueller Group, inc., agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Arianna Gill must adhere to terms three (3) and four (4) regarding the particular matter restriction and confidential information in perpetuity.

#### II. CONFLICT OF INTEREST SCREEN

- 1. Arianna Gill shall not participate in any decision or vote, or any matter related to such a decision or vote, in which LGI has a financial interest.
- 2. Arianna Gill is screened from participating in any present or future contract or other matter involving LGI.
- 3. Arlanna Gill shall not assist any future employers, including LGI, with any matter she personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of the particular matter.
- 4. Pursuant to her duty under Ind. Code \$5-14-3-10, Arianna Gill shall not disclose or otherwise rely upon information classified as confidential under Ind. Code \$5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

#### III. EMPLOYEE AFFIRMATION

I have read and understand the terms of the foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which Lochmueller Group, Inc. has a financial interest. I understand that the first two (2) terms of this screen terminate upon my leaving the Department or the discontinuation of negotiations with LGI, whichever occurs first. I further understand that terms three (3) and four (4) regarding particular matters and confidential information respectively, apply in perpetuity, for the life of each matter and so long as the subject information is deemed confidential. I have shared and discussed this Conflict of interest Screen and its requirements with my supervisor.

Executed and agreed this 4 day of November 2024, by:

Arianna Gill
Arianna Gill, Environmental Section Manager

Indiana Department of Transportation-Fort Wayne District

<sup>&</sup>lt;sup>1</sup> State employees have an affirmative duty under ind. Code 85-14-3-10 to protect from disclosure and to refrain from relying upon information defined as confidential under ind. Code 85-14-3-4.

### Baker, Nathaniel P

From:

Steele, Michele

Sent:

Wednesday, November 13, 2024 12:29 PM

To:

Smith, Michael J

Subject:

Conflict of Interest Screen - Arianna Gill

Attachments:

COI Screen- Arianna Gill.pdf

#### Commissioner Smith,

This email is to notify you that a conflict-of-interest screen will be filed for Arianna Gill, an INDOT employee, with the State Ethics Commission.

Thank you,

#### Michele Steele, J.D., LLM

Director of Compliance/Prequalification and Ethics Officer Indiana Department of Transportation
100 N. Senate Avenue – Room N758-PQ Indianapolis, IN 46204
Office: (317) 719-6624
Email: mateele@indot.in.gov
Find us on social medial



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