



PORTS OF INDIANA

INDIANA  
STATE ETHICS COMMISSION

OCT 08 2020

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**IC 4-2-6-11**  
**Post-employment waiver**

FILED

As the Appointing Authority of the Ports of Indiana, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Ed Hamilton in his pursuit of post-employment with JQOL GLOBAL LLC, JQOL, INC., and JQOL LLC (collectively, "JQOL").

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:

**Ed Hamilton was the Engineering Director and prior to that staff Engineer at the Ports of Indiana. All port construction projects fall under the responsibility and purview of the Engineering Director. While the Ports of Indiana Commission and/or its Chief Executive Officer**



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made certain final decisions concerning construction matters, Ed Hamilton oversaw a significant part of the procurement/negotiation process of construction and consultant related contracts. As Engineering Director, Ed Hamilton, evaluated and scored proposals or bids, qualified contractors and consultants for projects, provided information and responded to projects questions and requirements, evaluated and negotiated pricing and other contractual terms. Construction contracts were also awarded ultimately based upon the recommendation provided by Ed Hamilton or the staff engineers he supervised. As such, the Engineering Director at the Ports of Indiana has substantial decision-making authority over policies, rules, and contracts.

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

Based on Ed Hamilton's representation, his employment at JQOL would be providing professional civil engineering and consulting services.

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:

Based on Ed Hamilton's representation, it is unlikely that his position at JQOL will have any contact with the Ports of Indiana and that he would exclude himself from participating on any matters pertaining to any work under contracts secured under his tenure with POI.

Based on review of POI records, POI entered into a Professional Service Agreement dated July 17, 2019 ("PSA") with JQOL. The services provided under this PSA was for the development of a pavement maintenance program and other "on call" civil engineering services, such as drafting specifications and construction documents, and providing construction observation services. POI understands that the pavement maintenance program work has been completed under this PSA. At this time, POI does not anticipate utilizing any further "on call" civil engineering services from JQOL.

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:

JQOL is a certified Disadvantaged Business Enterprise (DBE) and a significant portion of its work is performed on public projects either as a prime contractor or as a subcontractor under such projects. It is in the public's interest and beneficial to the state and local governments to not restrict Ed Hamilton's work at JQOL on (state) public projects as these entities would likely benefit from his extensive experience gained during his tenure at the Ports of Indiana. This waiver also serves to support the State DBE program by removing a restriction that could impact JQOL's ability to pursue and/or secure certain public projects during Ed Hamilton's 365 day "cooling off" period.



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

**Based on Ed Hamilton's representation, denial of this waiver would create a hardship as it would result in a delay in his employment at QJOL by nearly one year and/or significantly delay his ability to secure employment in a timely fashion**

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.

*Vanta E. Coda II*  
Vanta E. Coda, II, Chief Executive Officer

September 04, 2020  
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).

*Andrea Hermer*  
Andrea L. Hermer, General Counsel

September 4, 2020  
Date

D. Approval by State Ethics Commission

<b>FOR OFFICE USE ONLY</b>	
Approved by State Ethics Commission	
<u><i>[Signature]</i></u>	<u><i>10-8-20</i></u>
Katherine Noel, Chair, State Ethics Commission	Date



**PORTS OF INDIANA**

Mail to:

Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

OR

Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.*