



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

INDIANA
STATE ETHICS COMMISSION

NOV 15 2017

FILED

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

As the Appointing Authority of the Indiana Department of Environmental Management, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to James Douglas Lam in his post-employment with Patriot Engineering.

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:

As a Project Manager (Petroleum Team Leader) for the Indiana Brownfields Program, James Douglas Lam's job duties did not involve substantial decision-making authority over policies, rules or contracts. Mr. Lam's duties in that position included drafting Comfort and Status Letters and managing petroleum remediation sites. During the course of his duties, Mr. Lam was involved with two Petroleum Orphan Site Initiative ("POSI") remediations for which the Indiana Finance Authority ("IFA") had awarded the contracts to Patriot Engineering. Prior to the award of the contracts, Mr. Lam had provided the site specific information for inclusion into the Request for Proposal. He conducted an initial technical review of the bids for one of the RFP projects to make sure the bidder had addressed the technical aspects of the RFP. He reported the information to his supervisor. Any decisions regarding awarding of the contracts was made by individuals at a higher level than Mr. Lam. Mr. Lam's duties as project manager was to provide oversight of the remediation work of various project sites including the two Patriot sites. On one site, Patriot discovered an additional underground storage tank during soil removal. Although he drafted change orders for the removal of the storage tank, his supervisor reviewed and discussed the changes orders with him and funding for the additional work had to be approved by a Financial Resources Coordinator.

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

Mr. Lam would like to work at Patriot Engineering as a Project Geologist. I understand from Mr. Lam that his duties would be to coordinate site investigations (i.e. drilling, sampling, lab work and other such matters). He would provide risk analysis and perform environmental due diligence work for private, commercial and municipal clients for property transfers.

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:

It is my understanding that Patriot Engineering will isolate him from all state projects that he has been involved in previously.

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:

It is in the public's interest for Mr. Lam to take his experience working in the State's brownfield redevelopment program to the private sector where his experience can facilitate proper due diligence practices on the part of prospective purchasers of contaminated sites and direct a buyer's attention to environmental risks when redeveloping a brownfield site.

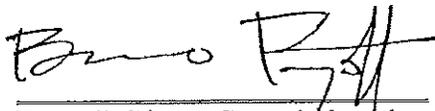
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Lam turned in his resignation to IDEM. It is my understanding that this new position is needed to help improve his family's financial security. Mr. Lam would be best to address this question.

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.

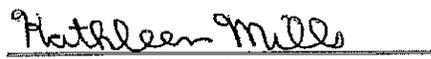


Bruno L. Pigott, Commissioner

11/13/17
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).

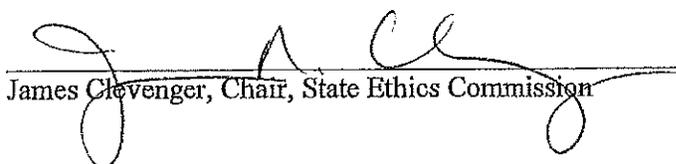


Kathleen Mills, Ethics Officer

11/13/17
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY
Approved by State Ethics Commission



James Clevenger, Chair, State Ethics Commission

11/15/17
Date