

INDIANA
STATE ETHICS COMMISSION

MAY 25 2017

IC 4-2-6-11

Post-employment waiver

FILED

As the Appointing Authority of the Indiana Department of Correction, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Susan Lockwood in his/her post-employment with Oakland City University.

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:

IDOC has a contract with Oakland City University to provide education services in thirteen of its adult correctional facilities and one of its juvenile correctional facilities. Dr. Lockwood is the Director of Juvenile Education, providing oversight to the education programs in the juvenile correctional facilities, so she works closely with Oakland City University.

She has substantial decision-making authority over policies within the education programs, but she does not have substantial decision-making authority over the contract. She was part of the six-member evaluation team that subsequently awarded the contract to Oakland City University. However, the team voted unanimously to award the contract to Oakland City University, so her vote did not make a significant difference in the outcome of the award.

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

Dr. Lockwood would be the Vice President of Oakland City University, providing primary oversight to the operations of the University.

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:

Dr. Lockwood's employment with Oakland City University is not likely to involve substantial contact with IDOC. The OCU contract with IDOC is a small part of the over-all mission of the university. Her work will not include direct administration or oversight of the IDOC contract.

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:

Dr. Lockwood's intended employment with Oakland City University is consistent with the public interest based on her involvement in decision making that will impact those individuals attending the postsecondary institution. Her strong relationships with the Indiana Department of Workforce Development and the Indiana Department of Education will be valuable to the University and the State as both work to prepare Hoosier citizens for careers and jobs.

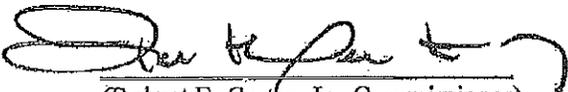
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

There will not be an economic hardship to Dr. Lockwood if the request for the waiver is denied. Dr. Lockwood's salary at IDOC is higher than the salary she would make with Oakland City University.

C. Signatures

1. Appointing authority/state officer of agency

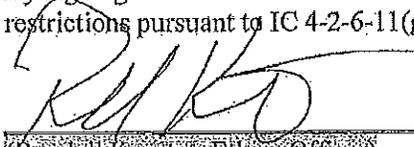
By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

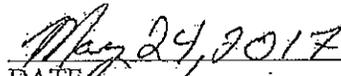

(Robert E. Carter, Jr., Commissioner)


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).


(Randall Koester, Ethics Officer)


DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 James Cleveland, Chair, State Ethics Commission	 Date

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.*



STATE OF INDIANA
Department of Correction
Indiana Government Center—South

Eric J. Holcomb
Governor

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Robert E. Carter Jr.
Commissioner

June 14, 2017

Mr. James Clevenger, Chairman
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, IN 46202

Subject: Waiver of Post-employment for Dr. Susan Lockwood

Dear Chair Clevenger:

As Commissioner of the Indiana Department of Correction, I am writing to express my support and approval of the waiver of post-employment restrictions for Dr. Susan Lockwood's proposed employment as Vice President of Administration and Finance with Oakland City University (OCU).

I regret that I am unable to appear in person to present the waiver. Unfortunately, I have a schedule conflict which takes me to Washington, DC on the date of the Ethics Commission's meeting. When I became aware of this scheduling conflict last week, I asked my Chief Legal Counsel, Robert Bugher, to join Dr. Lockwood and attend the Commission meeting on my behalf. I understand that I.C. 4-2-6-11(g) requires the state officer or appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the June 22, 2017 meeting.

I support and approve this waiver for several reasons: (1) The selection of OCU as the Department's education provider was not a unilateral decision by Dr. Lockwood, but a decision made by representatives of three other agencies; (2) Dr. Lockwood's responsibilities as Vice President of Oakland City would not directly involve her in the services provided under the contract, except to the extent she may have to resolve a human resource issue, or address an internal budget matter; and (3) her overarching responsibility with OCU would remain consistent with her responsibility as a Director of Juvenile Education for the Department of Correction; to provide quality education to the youth and adults of Indiana.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Carter Jr.", is written over a horizontal line.

Rob Carter

