



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

FILED
FEB 13 2025
INDIANA STATE
ETHICS COMMISSION

Mike Braun
Governor

February 5, 2025

Indiana State Ethics Commission
Office of the Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

IC 4-2-6-11.
Post-employment waiver: Devon McDonald

Members of the Indiana State Ethics Commission,

As the Appointing Authority of the Indiana Criminal Justice Institute (ICJI), I am filing this waiver of the application of certain post-employment restrictions of the Code of Ethics as may apply to Devon McDonald (hereinafter, "McDonald") in his desired post-employment opportunity with Hamilton County. I understand that I must file and present this waiver to the State Ethics Commission at the next available meeting, and that this waiver is not final until approved by the Commission.

Initial Comments: McDonald desires to accept the role of Director of Council Operations for Hamilton County. At the beginning of the new governor's administration, McDonald was notified that he would not be reappointed as the ICJI Executive Director, necessitating he seek other employment.

This waiver pertains to only one aspect of the one-year "cooling off" period set forth in IC § 4-2-6-11(b)(2), as described below; McDonald will comply with the other post-employment restrictions. Additionally, McDonald is aware of, and will fully honor and comply with, the requirements of the Indiana Code of Ethics pertaining to confidentiality of material information.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of:

- ☐ 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:

Answer: McDonald has worked for ICJI for over twelve (12) years, first as Director of Victim Compensation, then as General Counsel and Chief of Staff, and, for the past six (6) years, as Executive Director. In the latter position, he had substantial decision-making authority over the agency's activities, as described below.

ICJI is the state's planning, administering, and coordinating agency for several criminal justice functions. It is composed of a board of trustees (Trustees) and agency staff, including its Executive Director. The Executive Director is not a member of the Trustees but manages Trustee meetings as staff. ICJI's duties include:

- Serving as the planning agency for criminal justice, juvenile justice, traffic safety, and victim services;
- Administering the distribution of certain federal funds;
- Serving as the statistical analysis center for research;
- Awarding criminal justice-related grants to, among others, local government units; and
- Coordinating and collaborating with local, state, and federal entities to evaluate and plan for criminal justice and public safety issues.

As ICJI's Executive Director, McDonald has final purchasing authority and is responsible for the day-to-day administration of the agency, including:

- Reviewing and signing professional services contracts, grant agreements (which are contracts), memorandums of understanding;
- Approving agency expenditures;
- Overseeing agency personnel;
- Developing the agency's policies; and
- Representing the agency to other state agencies and the general public.

Of particular relevance to this post-employment opportunity, McDonald also plays a role in the grant process. For certain grants, McDonald's role is to review RFPs prepared by staff, to provide feedback on score sheets completed by staff and, once a grant is approved by vote of the Trustees, to execute the grant on behalf of the agency. For other grants,

McDonald's role is the same, but with additional authority to approve the applications without a vote of the Trustees.

Of further relevance to this post-employment opportunity, McDonald oversees Comprehensive Community Plans (CCPs), aimed at addressing local substance abuse problems. CCPs identify problems that Local Coordinating Councils (LCCs) address, outline how the LCC will spend certain funds, and certify the LCC's understanding that it must submit quarterly reports in order to remain active. As ICJI Executive Director, McDonald signs letters approving CCPs, though the plans are ultimately approved by the Indiana Commission to Combat Substance Use Disorder.

For this post-employment opportunity, only one of the specific prohibitions of IC § 4-2-6-11(b) & (c) may be triggered here. McDonald's potential position with Hamilton County will not involve executive branch lobbying and, during his time at ICJI, he has not made a regulatory or licensing decision directly applicable to his potential employer. However, the provision regarding "engag[ing] in the negotiation or administration of a contract and [being] in a position to make a discretionary decision affecting the outcome of such negotiations or administration" is likely triggered here. IC § 4-2-6-11(b)(2).

Among the many grants ICJI has issued and in which McDonald has played a role as described above, Hamilton County entities such as the Hamilton County Prosecutor's Office, Hamilton County Sheriff's Office, and the Hamilton County Courts, have received grants, currently have grants, and most likely will receive future grants from ICJI. Additionally, among the many CCPs over which McDonald plays a role in approving, Hamilton County participates in that process as well through its LCC.

Because McDonald's role in the grant process and the CCP process likely triggers IC § 4-2-6-11(b)(2), a waiver is being requested. To the extent that McDonald could be considered to have administered, or participated in the administration of, and be in a position to make discretionary decisions regarding contracts involving Hamilton County, we respectfully request that a waiver of the "cooling off" period be granted.

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

Answer: McDonald will serve as Director of Council Operations for Hamilton County and be responsible for supporting the County Council and facilitating communication between the Council, County personnel, and the public. The role involves strategic planning, project management, and ensuring effective operations within the County Council, while also addressing public inquiries and concerns. The role also involves collecting data as requested by the County Council, auditing meeting minutes, and assisting in the preparation of budgets. The role will entail attendance at all meetings of the Hamilton County Commissioners and providing written reports of the meeting activities to the County Council.

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:

Answer: McDonald's role as the Director of Council Operations for Hamilton County is not anticipated to involve substantial contact with ICJI. His potential position is one of advisory and operations support to the Hamilton County Council. The Hamilton County Commissioners, on the other hand, are the executive body of a county and the entity that authorizes and approves the entering into of contracts by various county officers. However, McDonald is seeking employment with the Council, not the Commissioners.

Moreover, McDonald notes that he will screen from any contact and work involving ICJI for one (1) year during the applicable "cooling-off" period, thus helping to ensure compliance with applicable post-employment restrictions. McDonald notes that it is possible he will encounter ICJI employees at conferences or events, but those interactions, if they occur, would not rise to the level of "substantial contact."

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:

Answer: As one of Indiana's fastest growing counties, Hamilton County and its residents would greatly benefit from the employment of experienced leaders such as McDonald. McDonald's extensive experience with ICJI and in criminal justice and public safety matters will be beneficial to the citizens of Hamilton County. He is an experienced executive, is familiar with complicated state and local governmental operations, is knowledgeable about financial management processes, and is well versed in working with constituent needs—all of which would be beneficial to Hamilton County and its residents.

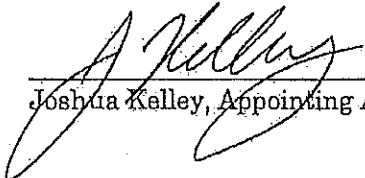
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Answer: Denying this waiver request would result in immediate economic hardship for McDonald. McDonald has spent a significant portion of his career working for ICJI. With such significant experience in government service and, specifically, in criminal justice and public safety, McDonald wants to continue his career in public service and use his expertise to serve his community. Because of the many grants to local government entities and CCPs with local governments in which ICJI and McDonald would have played a similar role, denying a waiver in this instance would likely limit McDonald's ability to serve with many other potential employers in the public sector. Further, McDonald has two children to support and needs to continue working in a role at a similar level to continue to provide for his family.

C. Signatures

1. Appointing authority/state officer of agency

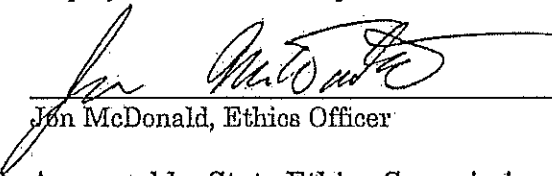
By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to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


Joshua Kelley, Appointing Authority

2/4/2025
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).


Jon McDonald, Ethics Officer

2/5/2025
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission


Katherine Neel, Chair, State Ethics Commission

2-13-25
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.



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
State Form 55860 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

FILED
JAN 27 2025
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.

Name (last) McDonald	Name (first) Devon	Name (middle)
Name of office or agency Indiana Criminal Justice Institute		Job title Executive Director
Address of office (number and street) 402 W. Washington Street, Room W469		City Indianapolis
Office telephone number (317) 232-2560		ZIP code 46204
Office e-mail address (required) DeMcdonald@cji.in.gov		

Describe the conflict of interest:

Devon McDonald, works as the Executive Director of the Indiana Criminal Justice Institute (ICJI). In this role he approves and manages the day-to-day administrative operations of ICJI. He signs contracts, grant agreements, other expenditures, and provides guidance and assistance to agency personnel.

He has begun the process of exploring employment with Hamilton County as the Director of Council Operations. Various other Hamilton County entities, such as the Hamilton County Sheriff, Hamilton County Prosecutor, and the Hamilton County Courts, have grants, have had grants, and will most likely have grants in the future awarded from ICJI to them.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Devon McDonald has discussed the situation with the ICJ Chief of Staff, Jade Palin (Chief Palin), and Chief Palin will be assuming communication with Hamilton County during this process. Devon McDonald will be removed from all discussions, votes, and decisions regarding any existing or future grants or contracts between Hamilton County and ICJ.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed (month, day, year)

Printed full name of state officer, employee or special state appointee

Devon McDonald

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Date signed (month, day, year)

Printed full name of ethics officer

Jon McDonald

McDonald, Jon

From: McDonald, Devon
Sent: Monday, January 27, 2025 9:32 AM
To: Kelley, Joshua
Cc: McDonald, Jon
Subject: Notice of employment opportunity

Mr. Kelley,

I am providing notice that I am exploring an employment opportunity with Hamilton County as the Director of Council Operations. I am providing this notice to comply with state ethics requirements.

Respectfully,

Devon McDonald
Indiana Criminal Justice Institute
402 W. Washington Street, RM W469
Indianapolis, IN 46204
devmcdonald@cjl.in.gov
Phone: 317-232-2560
Cell: 317-258-3263

