

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-Executive Office
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Michael Braun, Governor
Kent Abernathy, Commissioner

March 19, 2025

FILED

APR 10 2025

INDIANA STATE
ETHICS COMMISSION

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

IC 4-2-6-11

Post-employment waiver – Madeline Mettler

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 Madeline Mettler in her post-employment with ECMS.

I understand I must file and present this waiver to the State Ethics Commission at its next meeting on April 13, 2025. I further understand that this waiver is not final until approved by the State Ethics Commission.

Madeline Mettler, a six-year employee of INDOT, accepted the Environmental/NEPA Specialist role at ECMS and started her new position on March 17, 2025. After seeking an informal advisory opinion, INDOT is filing this waiver to address potential areas of applicability of post-employment restrictions.

This waiver is regarding 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) related to the transportation projects Ms. Mettler was assigned during her employment at INDOT. Ms. Mettler 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 explicitly 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:**

Madeline Mettler has not had policymaking, regulatory, licensing, or rule-making authority at INDOT. However, she was in a position to make a discretionary decision affecting the outcome of a negotiation. Ms. Metter has not worked with EMCS or made any regulatory or licensing decisions while working for INDOT that applied to EMCS.

Ms. Mettler served as the Environmental Manager II ("Manager") in the Fort Wayne District at INDOT. Ms. Mettler's primary roles and responsibilities were assuring transportation projects comply with the National Environmental Policy Act (NEPA), identifying environmental concerns in the early stages of transportation projects, making waters and wetlands determinations regarding the Clean Water Act (CWA), analyzing present programs for process improvement and assisting in the evaluation of consultant proposals. As a Manager, Ms. Metter's job duties and authority included reviewing project information submitted through the Information for Planning and Coordination (IPaC) website for United States Fish and Wildlife Service (USFWS) coordination, which is required for all federally funded projects due to Section 7 of the Endangered Species Act (ESA). Ms. Mettler was not in a position at INDOT to decide/vote for anything in which EMCS would have a financial interest. Her last day at INDOT was February 28, 2025.

Ms. Mettler was involved with one current project and scored one Letter of Intent (LOI) for EMCS. Her work on the current project included, but was not limited to, completing the required USFWS coordination and answering several questions regarding the submittal process for the final environmental documentation for contract DES. No. 2100736 (Contract regarding SR 19 Bridge Deck Overlay). She reviewed the form containing the necessary project information and other information about potential impacts on any endangered, threatened, or rare species to ensure that project information and potential impacts were accurate and critical. Once she found the project information sufficient, she sent the form to the USWFS Fish and Wildlife Biologist/Transportation Liaison for review and provide any additional comments. The USWFS sent comments indicating the need for updates to the original form, which Ms. Mettler communicated to EMCS, and then resubmitted their revised form to USWFS for another review. After the second submission, USWFS concurred with the determination, and the process was complete. On the LOI for EMCS, Ms. Mettler was one of the scorers for an RFP, but EMCS was not selected as a consultant or a sub-consultant.

ECMS provides environmental permitting and compliance services, ecological services, and environmental documentation on several INDOT projects.

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

Ms. Mettler will serve as an Environmental/NEPA Specialist (Specialist) for ECMS. Her new position has similar responsibility to her past role at INDOT. Ms. Mettler will not be reviewing or approving work completed by consultants for the State of Indiana related to INDOT projects. She will take part in marketing initiatives, as well as potentially help draft Letters of Intent (LOIs) for scoring. Many of her future projects with EMCS may involve INDOT or other transportation-related projects. Ms. Mettler would not engage in executive-branch lobbying with EMCS. Ms. Mettler would be performing her job duties in Michigan.

- 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 possible to include matters where the agency has the discretion to make decisions based on the work of the employee:**

ECMS currently has 13 active or on-call contracts with INDOT. One of the consulting services that ECMS provides is comprehensive environmental services with experts in NEPA studies, ecological restoration, cultural resources, endangered species monitoring, and permitting for various organizations, including INDOT. Because Ms. Mettler will serve in a similar role, she anticipates that she could have contact with various INDOT personnel in the

execution of transportation design projects, identical to any other specialist providing services to INDOT. However, Ms. Mettler has indicated that she will not work on any matters she previously worked on while employed at INDOT nor on new issues with INDOT in her role with ECMS during the required periods outlined in the State Ethics Code.

4. Please explain whether the prospective employment may be beneficial to the state or the public, explicitly stating how the intended employment is consistent with the public interest:

Ms. Mettler served INDOT for six (6) years as the Environmental Manager II related to 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 Manager, Ms. Mettler had the opportunity to collaborate with several consulting firms that have done business with INDOT and many of their partners. Given Ms. Mettler's role as Environmental Manager and the number of consultants that have worked on INDOT projects, it would be difficult for Ms. Mettler 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. Mettler has accepted employment from an organization for which she did not regulate or 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. Mettler's unique experience to guide ECMS as it provides relevant environmental documentation required for all federally funded projects. Ms. Mettler's position with ECMS would utilize her expertise to provide a better product for Indiana and other public agencies. Not awarding a waiver in this situation would mean that a waiver is not awardable to Ms. Mettler for work at any other company in the Indiana transportation industry and would trap Ms. Mettler in state employment for the remainder of her career. Trapping Ms. Mettler at INDOT is against public policy. Every citizen deserves to choose their career path. INDOT will not be able to attract suitable talent to fill its many roles if the State cannot 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. Mettler to take a role at a company with whom she had minimal interaction as a State employee is consistent with the public interest.

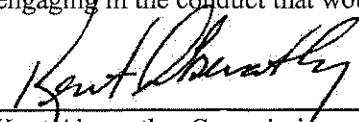
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

For all of the same reasons, keeping Ms. Mettler at INDOT by not awarding this waiver will create economic hardship for Ms. Mettler. Ms. Mettler has spent six (6) years of her career at INDOT earning state wages. Ms. Mettler earns a salary that is, in some cases, lower than other environmental managers. Additionally, there are few opportunities for advancement of position and salary for Ms. Mettler. She has no experience outside of INDOT in her field and has found it difficult to find similar work outside the transportation industry. Ms. Mettler will not be able to continue progressing her career and earnings further without seeking external employment. Ms. Mettler was offered employment by a consultant in the transportation industry with whom Ms. Mettler has had minimal involvement, 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. Mettler could continue her career progression with minimal impact on the agency.

C. Signatures

1. Appointing Authority/state officer of the 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 who obtains the waiver before engaging in the conduct that would give rise to a violation.



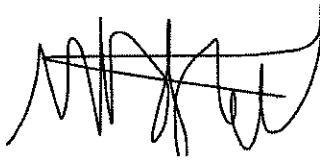
Kent Abernathy, Commissioner
INDIANA DEPARTMENT OF TRANSPORTATION

3/20/2025

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).



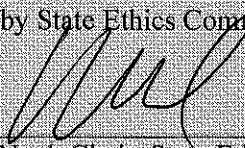
Michele Steele, Ethics Officer
INDIANA DEPARTMENT OF TRANSPORTATION

3/19/2025
DATE

D. Approval by the State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission



Katherine Noel, Chair, State Ethics Commission

4-10-25
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.*



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue,
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Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Michael Braun, Governor
Lyndsay Quist, Commissioner

ETHICS OFFICER DESIGNATION

I, Lyndsay Quist, Commissioner of the Indiana Department of Transportation ("INDOT"), under the requirements of the Indiana Ethics Code, Indiana Code § 4-2-6 *et. seq.*, hereby designate the following individuals as Ethics Officers for INDOT:

1. Alison Grand, Chief Legal Counsel
2. Michele Steele, Director of Compliance
3. Deborah Law, Senior Attorney

Each individual shall serve as the INDOT Ethics Officer for any INDOT ethics matter, with authority to file all documents, make all appearances, effectuate all representations, and make all waivers under the Indiana Ethics Code, within the authority allowable under law and rule, including under 42 IAC 1-5-1(d). These individuals shall exercise their authority in accordance with the requirements of the State Ethics Commission.

All previous designations of INDOT Ethics Officers are hereby revoked. This appointment, designation, and delegation are effective immediately and shall remain in effect until revoked or amended by the undersigned or his successor.

Upon the execution of this Ethics Officer Designation, the same shall be filed with the State Ethics Commission as required by 42 IAC 1-5-1(d).

By: Lyndsay Quist
Lyndsay Quist, Commissioner
Date: April 3, 2025