



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

Eric J. Holcomb
Governor

January 3, 2025

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

FILED

JAN 09 2025

INDIANA STATE
ETHICS COMMISSION

IC 4-2-6-11

Post-employment waiver: Brian Rockensuess

As the Appointing Authority of the Commissioner of the Indiana Department of Environmental Management (IDEM), I am filing this waiver of the application of a certain post-employment restriction of the Code of Ethics as it may apply to Brian Rockensuess (hereinafter, "Rockensuess") in his desired post-employment opportunity with Keramida, Inc. (Keramida).

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.

Initial Comments: Rockensuess desires to accept the position of President of Keramida, which is a sustainability and environmental health and safety consulting firm based in Indianapolis. Rockensuess was notified by Governor-elect Braun's transition team that he will not be reappointed as IDEM's Commissioner, leaving him in the position of having to seek other employment.

This waiver request pertains to one aspect of the "cooling-off" period set forth in IC 4-2-6-11(b)(2), as further discussed below. With respect to those post-employment restrictions for which a waiver is not being sought here, Rockensuess affirms that will comply with same, and, if necessary and appropriate, effectuate a proper screen in connection therewith.

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

Answer: As IDEM's Commissioner, Rockensuess has general oversight of the agency, which includes substantial decision-making authority over policies, rules, and contracts. That said, in practice, Rockensuess, during his tenure as Commissioner, has had minimal involvement with respect to contracts, including, but not limited to, those between IDEM and Keramida. While Rockensuess can, and occasionally does, sign contracts, he does not negotiate or administer contracts on behalf of IDEM. In fact, day-to-day contracting matters are normally delegated to, or handled by, other IDEM employees.

First, under the ethics rule for the 365-day "cooling-off" period, IC § 4-2-6-11(b)(2), there are four specific prohibitions, only one of which may be triggered here. With respect to the first prohibition, Rockensuess' potential position with Keramida will not involve executive branch lobbying. As for the second and third prohibitions, Rockensuess, during his time at IDEM, has not made a regulatory or licensing decision directly applicable to his potential employer, Keramida. The final prohibition, however, involves the subject of agency contracts and is discussed in greater detail below.

For purposes of this evaluation, it is important to note the prohibition regarding contracts is a two-part test. To be triggered, the statute specifically requires that the state employee in question must have been "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)(2). Under Indiana law, it is well-established that words in a statute must be taken in their plain, ordinary and literal meaning, and effect must be given to every word; indeed, no word should be considered superfluous, void, or insignificant, as each word is presumed to have a purpose. Therefore, the conjunctive "and" clearly establishes this statutory language as creating a two-part test.

Here, in the situation involving Rockensuess, both parts of the test are likely triggered, thus the need for a waiver. As noted above, Keramida is a sustainability and environmental health and safety consulting firm based in Indianapolis and it provides services to IDEM that are tangential to core agency directives; namely, maintaining the grounds and facilities of IDEM cleanup sites. We also note that Keramida has been a contractor with IDEM for many years, and occasionally bids on IDEM contract opportunities. For example, Keramida has a contract with IDEM to provide the Keystone Corridor Groundwater Contamination Vapor Intrusion Mitigation System, as

well as Operation and Management Services, which is administered by the IDEM Office of Land Quality.

In light of the above and out of an abundance of caution, we are respectfully requesting a waiver of the potential application of the "cooling-off" period here.

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

Answer: In his role as President of Keramida, Rockensuess would perform the typical duties for that type of executive-level position, including, for example, but not limited to: (1) being primarily responsible for supervising the company's employees; (2) managing those employees and the effort in general; (3) playing an instrumental role in establishing and meeting the company's goals and objectives; (4) evaluating and managing the overall operations under his purview; (5) growing the sustainability arm of the company, as well as building relationships with businesses that could utilize or benefit from Keramida's services; and (6) being accountable to Keramida's CEO. In addition, his responsibilities will involve employees, offices, and clients across the United States and other countries, as more particularly described below.

In terms of background, Keramida was established in 1988 in Indianapolis. It is a certified woman-owned consulting firm that advises industry, businesses, financial institutions, and governments worldwide. It employs over 130 professionals throughout the United States, and it has offices not only in Indianapolis, but also in Pittsburgh, New York, Los Angeles, Sacramento, and Camas; and Keramida's multi-disciplinary team of engineers, scientists, CPAs, and economists provide strategy, implementation, compliance, reporting, and assurance services. Indeed, Keramida is an industry leader with a focus on groundbreaking research, innovative solutions, and sustainability.

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: Rockensuess' position with Keramida will *not* involve substantial contact with IDEM. Indeed, he will not engage in executive branch lobbying, including as to IDEM, during the one-year "cooling-off" period after he leaves state employment. And after that one-year period expires, any contact that Rockensuess may have would be reasonable, necessary, and in-line with the type of contact that any environmental consulting firm may have with IDEM. Also, Rockensuess' understanding of his new position is that Keramida's interactions with IDEM would primarily be handled by others at the company, not him.

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: Rockensuess has served in the environmental field for approximately 11 years, and thus has extensive knowledge and expertise in connection with same. The positions he has held at IDEM over the years have included: Business, Agricultural & Legislative Liaison, Government Affairs Director, Chief of Staff, and Commissioner. Again, importantly, the position Rockensuess would be accepting has a significant impact outside of the State of Indiana, as noted above. Thus,

Rockensuess' role as Keramida's President would ensure that his knowledge and expertise in the important field of environmental management and sustainability shall continue going forward, serving other states and local governments, thus helping on a larger scale and benefiting not only the public, but also businesses, financial institutions, and governments, as noted above. Lastly, while at IDEM, Rockensuess has had limited involvement with Keramida contracts over the years, and in his new role he will be screened from involvement with IDEM for the applicable one-year period required by our Code of Ethics.

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

Answer: Rockensuess' extensive experience, as well as his unique knowledge and expertise, establish him as a prominent and effective leader in the environmental arena. If this waiver were to be denied, Rockensuess would suffer economic hardship as it would take away an important opportunity from him for which he is remarkably well-suited. This position presents a logical next step in his career and would be one of significance where he can make the type of large-scale impact that he desires. Finding a high-level position such as this one is a difficult endeavor, and denying him this position would likely cause a significant delay before he finds the next one; thus, he may be out of work for a material period of time that would be financially detrimental to him and his family. It's also possible that a comparable job opportunity might only be found out-of-state, in which event Indiana would lose a significant environmental leader. We believe the above-referenced reasons weigh in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

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.




Earl A. Goode, Appointing Authority

1/23/25

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).



Joseph R. Heerens, Ethics Officer

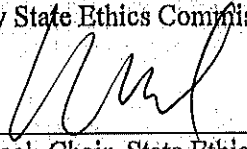
1/3/25

DATE

D. Approval by State Ethics Commission:

FOR OFFICE USE ONLY

Approved by State Ethics Commission



Katherine Noel, Chair, State Ethics Commission

1-9-25

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.



State Form 55880 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

<p>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.</p>			
<p>Name (last) Rockensuess</p>		<p>Name (first) Brian</p>	
		<p>Name (middle)</p>	
<p>Name of office or agency Indiana Department of Environmental Management (IDEM)</p>		<p>Job title Commissioner</p>	
<p>Address of office (number and street) 100 N Senate Avenue</p>		<p>City Indianapolis</p>	<p>ZIP code 46204</p>
<p>Office telephone number (317) 233-6647</p>		<p>Office e-mail address (required) brockens@idem.in.gov</p>	
<p>Describe the conflict of interest: See attached Conflict of Interest Description</p>			

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

See attached Screening Protocol

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)

12/27/2024

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

Brian Rockensuess

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)

12/27/2024

Printed full name of ethics officer

James Michael French

Conflict of Interest Disclosure for Indiana Department of Environmental Management Commissioner Brian Rockensuess

Description of Potential Conflict of Interest

Indiana Department of Environmental Management (IDEM) Commissioner Brian Rockensuess has engaged in employment discussions with American Water, a water utility company with whom IDEM has a regulatory relationship; Keramida, Inc., an environmental health and safety consultant firm; and the Indiana Chamber of Commerce—hereinafter referred to collectively as the "Parties." Commissioner Rockensuess' main duty is oversight of the agency and all of its environmental programs. IDEM manages the permitting, compliance, monitoring, and enforcement activities for environmental programs including the Clean Air Act; Clean Water Act; Safe Drinking Water Act; Resource Conservation Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. As Commissioner, he ensures that all agency regulatory programs are running efficiently and meeting performance goals. One of his duties as Commissioner is to meet and discuss what the agency is doing with stakeholders including: members of the public, industry (including consultants), industry associations, and environmental groups. Commissioner Rockensuess is also the final IDEM signatory for all contracts that meet or exceed \$100,000.00 in consideration.

As detailed in the following section, Commissioner Rockensuess has a potential conflict of interest with Keramida, Inc. regarding his outreach to stakeholders and his contract signatory duties. With respect to American Water and the Indiana Chamber of Commerce, Commissioner Rockensuess does not participate in decisions, votes, or matters pertaining to the Parties in his usual course of business at IDEM. Though IDEM does not assert Commissioner Rockensuess' participation in any of the above to be a conflict of interest, given his authority at IDEM, he is disclosing these potential conflicts of interest and will follow the restrictions set out in the screening protocol contained in this attachment while working at IDEM.

Disclosure Information Specific to Keramida

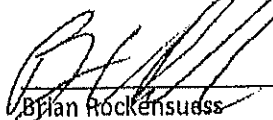
Commissioner Rockensuess has maintained an "open door" policy in regards to meeting with stakeholders to discuss agency plans on specific topics. As a public servant of 16 years, he has made it his goal to engage in those discussions whenever requested. He has met with members of the general public, industry (including consultants such as Keramida), regarding agency activities, potential legislation, and other issues that may impact agency functions or the citizens of the state, in an effort to maintain transparent and open relationships with both the regulated community and any interested parties who may wish to discuss agency functions. Commissioner Rockensuess is disclosing these purely out of an abundance of caution and neither he, nor IDEM asserts the above to be a conflict of interest or violation of the post-employment restrictions.

IDEM has multiple contracts with Keramida and, as agency head, Commissioner Rockensuess has been "in a position to make a discretionary decision affecting the outcome of the negotiation and nature of the administration" regarding those agreements. While IDEM acknowledges that Commissioner Rockensuess is in such a position, IDEM asserts that Commissioner Rockensuess has been neither personally nor substantially "engaged in the negotiation or administration of one

or more contracts with [Keramida] on behalf of the State or IDEM." The actual activity relating to the determination of whether to enter into a contract is dealt with by the IDEM Office of the Chief of Staff, Finance Division. The signature of the Commissioner is the final required step necessary to move the contracting process along, and only when the agreement meets or exceeds \$100,000.00 in consideration. Further, these agreements are for services tangential to the core, regulatory directives of IDEM. These contracts involve maintenance activities such as lawn mowing and fence repair on sites where IDEM is performing remedial activities. For purposes of transparency, Commissioner Rockensuess will, in order to timely move forward with employment discussions, file a post-employment waiver and seek approval for the waiver from the State Ethics Commission.

**Protocol to Screen the Indiana Department of Environmental Management's
Commissioner Brian Rockensuess
from Any Matters Regarding American Water, the Indiana Chamber of Commerce, and
Keramida, Inc.**


1. Commissioner Brian Rockensuess shall not participate in any matters in which any of the Parties has a financial interest. If any matters should arise pertaining to any of the Parties, Commissioner Rockensuess shall immediately assign the matter to either IDEM Chief of Staff Parvonay Stover, or an employee with sufficient expertise, experience, and/or authority.
2. Commissioner Rockensuess shall recuse himself from any meeting, or from the portion of any meeting, at IDEM in which discussions specific to the Parties, or in which any of their clients or interests are discussed or are expected to be discussed.
3. Commissioner Rockensuess shall not discuss any matter involving the Parties, or any of their clients or interests, with any other IDEM employee, except to give effect to this screen.
4. As Commissioner Rockensuess does not have a direct supervisor, he will notify in writing all employees directly reporting to him that they are not to discuss with him any matters involving the Parties, or any of their clients, nor send him any emails concerning the Parties, except to give effect to this screen.
5. Commissioner Rockensuess shall not participate in decisions regarding or relating to the Parties, or any of their clients or interests.
6. Commissioner Rockensuess shall not access any correspondence or files relating to or involving the Parties, or any of their clients or interests, either during his hours of work at IDEM or by utilizing State equipment. Such documents, if not a matter of public record in IDEM's Virtual File Cabinet, shall be housed with the employee assigned to the matter or kept where Commissioner Rockensuess does not have access to alter the documents.
7. Commissioner Rockensuess shall immediately inform IDEM Ethics Officer James French if any provision of this screening protocol is violated.
8. All signatories to this screening protocol shall review it within thirty (30) days from the date of the last signature to ensure it has been followed and determine if the circumstances have changed to make the protocol no longer necessary.



Brian Rockensuess
Commissioner of IDEM

12/27/24

Date



James French Ethics Officer
Office of Legal Counsel

12/27/2024

Date

Disclosure, Screen, and Draft Notice to Appointing Authority

From Rockensuess, Brian <BRockens@idem.IN.gov>

Date Fri 12/27/2024 3:04 PM

To Goode, Earl <EGoode@gov.IN.gov>

Cc Jankowski, Jane <JJankowski@gov.IN.gov>; Heerens, Joe <JHeerens@gov.IN.gov>; French, James M <JFrench@idem.IN.gov>; KING, NANCY <NKing@idem.IN.gov>

 1 attachment (1 MB)

Disclosure and Screen for Brian Rockensuess '24.pdf;

Mr. Goode,

This email serves as notification to the appointing authority per IC 4-2-6-9(b)(2)(D) that IDEM Commissioner Brian Rockensuess has a potential conflict of interest. Commissioner Rockensuess has engaged in employment discussions for legislative lobbyist roles with both the Indiana Chamber of Commerce and with American Water, a water utility company with whom IDEM has a regulatory relationship, as well as for the position of President of Keramida, Inc., an environmental health and safety consultant firm. Per IC 4-2-6-9, IDEM is instituting the following to ensure Commissioner Rockensuess is screened from any potential conflict of interest with any of these parties. Commissioner Rockensuess and I have discussed IC 4-2-6-9; he will file a written disclosure to the Office of the Inspector General and we will implement a screening protocol at IDEM, see attached. Please reach out if you have any questions, thanks.

Best,

Michael

James Michael French

Attorney | IDEM

Tel: (317) 234-2170

Email: jfrench@idem.in.gov

Sincerely,

BRIAN C. ROCKENSUESS • COMMISSIONER
Indiana Department of Environmental Management
100 N. Senate Ave. • Indianapolis, IN 46204
Phone: (317) 233-2550
brockens@idem.in.gov • www.in.gov/idem



IN>INDIANA



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

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for Brian Rockensuess

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for Indiana Department of Environmental Management Commissioner Brian Rockensuess. Enclosed herewith, I am hereby submitting a post-employment waiver for Commissioner Rockensuess.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also hereby designate James Michael French, Attorney & Ethics Officer for the Indiana Department of Environmental Management, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in dark ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff