

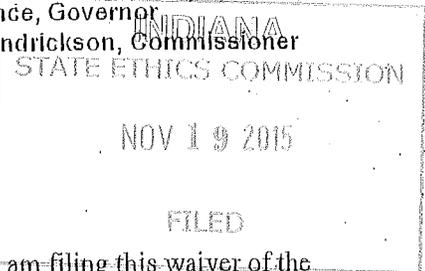


INDIANA DEPARTMENT OF TRANSPORTATION

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Michael R. Pence, Governor
Brandye L. Hendrickson, Commissioner



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

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 Jason (Jay) Wasson in his post-employment with Purdue 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.
[X] 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):

Not Applicable.

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:

Some of the following information is supported by the employee's personnel file or my knowledge of his current INDOT duties, and the remainder is based solely upon information the employee has provided to me in connection with the process of considering this waiver. The employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts, as more particularly described below in this response.

As Deputy Commissioner of Engineering & Asset Management, Jay has provided executive leadership in the areas of Bridges, Pavement, Environmental Services, Real Estate, Traffic Safety, Multi-Modal, and Planning.

Joint Transportation Research Program

INDOT and Purdue University through the College of Engineering under the oversight of the Executive Vice President & Provost have enjoyed a collaborative relationship originally initiated in state statute that dates back to 1937. That collaborative relationship in current times is known as the Joint Transportation Research Program (JTRP). Jay has had involvement in JTRP on both the INDOT and Purdue fronts since 1998. Over the last 17 years, Jay has represented INDOT in a variety of roles that exercised influence related to both programmatic and project specific decisions. He has served as a member of the study advisory committee (SAC) for projects related to traffic engineering, operations, and incident management efforts. Additionally, Jay has served as a Business Owner (BO) for specific research efforts for which he was the supervisor/manager responsible for implementation of the research results.

Jay has served on the JTRP Executive Committee as both a member and currently as its chairman. The Executive Committee is comprised of four INDOT Deputy Commissioners, the Director of Research and Development, the INDOT JTRP Program Director, and a representative from INDOT's Office of Innovation and Enhancement. The Executive Committee approves the annual JTRP work program which includes the portfolio of research and innovation projects that will receive funding. The typical INDOT contracted budget with JTRP is on the order of \$5M annually using 100% federal funds expressly apportioned by Congress for the advancement of research, development and technology transfer activities.

Prior to Jay serving in his current role as Deputy Commissioner for Engineering & Asset Management which began in February of 2012, he served as the Director of Research and Development. One of the responsibilities of the Director is to maintain the day-to-day interaction with the JTRP office on Purdue's campus. Through execution of the JTRP annual work program there is continual interaction and collaboration between INDOT and Purdue.

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

Based solely upon the job description and other information provided to me by Jay, the position being sought serves as the Chief Operations Officer for Purdue University Physical Facilities and is responsible for providing executive leadership for the areas of Energy & Construction, Buildings & Grounds, and Asset Management. The selected employee would be charged with setting strategic direction to safely maintain and operate Purdue University's infrastructure. This position reports to the Vice President for Physical Facilities who reports to the Treasurer and Chief Financial Officer.

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:

I am informed that the prospective employment as Chief Operations Officer for Purdue University Physical Facilities is not likely to involve substantial contact with INDOT in matters related to the job responsibilities of the Deputy Commissioner of Engineering & Asset Management. INDOT's collaborative relationship with Purdue through the Joint Transportation Research Program (JTRP) is located within the School of Civil Engineering in the College of Engineering under the Provost and Executive Vice President for Academic Affairs and Diversity ("Provost"). Purdue Physical Facilities are managed by the Vice President of Physical Facilities reporting to the Treasurer and Chief Financial Officer ("Treasurer"). Both the Provost and Treasurer report to the University President as peer executive positions. Purdue Physical Facilities are not engaged in the scoping nor execution of contracted research efforts undertaken by JTRP as funded by INDOT. I believe that Purdue University is committed to segregating the responsibilities to carefully screen the employee from any possible INDOT matters for at least one (1) year from the date of employment.

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:

Acceptance of the intended employment would mean that Jay would be moving from one arm of the state (INDOT) to another arm of the state (Purdue), and Jay's retention as an employee of a public institution of the State of Indiana would be consistent with the public interest. In addition, Jay will be able to leverage his considerable experience with both Purdue and INDOT for the benefit of the public interest. Acquired skills and abilities in the planning and execution of infrastructure planning and management best practices across INDOT's multi-billion dollar inventory of assets will directly benefit Purdue in the management of its assets and thus continue to benefit the State of Indiana. A strong Purdue University contributes to the overall strength of Indiana. It is in the public's interest to continue to receive a return on the investment made in Jay's formal education and professional development through advancement of his career while working at a state supported institution.

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

As a registered professional engineer practicing in civil engineering and serving in the role of INDOT's Deputy Commissioner of Engineering and Asset Management, Jay Wasson's employment opportunities outside of INDOT that are not in direct conflict with IC 4-2-6-11 are limited. As Deputy Commissioner of Engineering & Asset Management, Jay serves on the Selection Review Committee which has oversight responsibility for all consultant selection recommendations to the INDOT Commissioner. This direct involvement in the Selection Review Committee has influenced the decision making associated with award of tens of millions of dollars in consultant contracts to firms across Indiana. The 365-day cooling off period would apply to any reasonably anticipated future employment opportunities within the private consultant sector across the transportation and civil infrastructure market. This enforcement of the 365-day cooling off period would cause undue economic hardship for Jay who desires to remain a resident of the State of Indiana. Failure to grant this waiver adversely restricts Jay from any pursuit of reasonable outside employment opportunities in Indiana that are within his professional industry segment.

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. I have been assured that the employee has not accepted any offer of employment, and will not unless and until the Ethics Commission approves of this waiver request.

Brandy L. Hendrickson 11/9/15
Brandy L. Hendrickson 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).

Mark Tidd 11/9/15
Mark Tidd DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

James Clevenger 11/19/15
James Clevenger, 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.