



Indiana State Department of Agriculture

Governor Eric Holcomb

Lt. Governor Suzanne Crouch, Secretary of Agriculture and Rural Development

Don Lamb, Director

FILED

DEC 12 2024

INDIANA STATE
ETHICS COMMISSION

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana State Department of Agriculture (ISDA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Thomas Harry Wilmoth in his post-employment with Tyson Foods, Inc.

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):*



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- 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:

As the former Director of the Indiana Grain Buyers and Warehouse Licensing Agency, Mr. Wilmoth had substantial decision-making authority over policies and rules pertaining to the licensing and compliance of commercial grain buying and warehousing facilities in Indiana, in accordance with IC 26-3-7 and 824 IAC, and oversaw the work of the Indiana Grain Buyers and Warehouse Licensing Agency's licensing and inspection teams. In 2023, the Indiana Grain Buyers and Warehouse Licensing Agency was responsible for the licensing and compliance of over 350 commercial grain buying and warehousing operations transacting more than \$12.2 billion in grain purchases across Indiana. Mr. Wilmoth did not have substantial decision-making authority with respect to contracts.

Furthermore, as the Director of the Indiana Grain Buyers and Warehouse Licensing Agency, Mr. Wilmoth was a non-voting member of the board of directors of the Indiana Grain Indemnity Corporation under IC 26-4. In this capacity, Mr. Wilmoth provided information to the board and presided over board meetings, but did not have any decision-making authority over the actions, policies, rules, or contracts of the Indiana Grain Indemnity Corporation.

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

Mr. Wilmoth's prospective employer is Tyson Foods, Inc. and his title would be Manager of Government Affairs. The position would involve lobbying, relationship management, and collaboration with key stakeholders, including local and state agencies and personnel in Indiana and seven other states across multiple regions of the United States. It would also involve significant internal responsibilities fostering engagement and growth across departments within the prospective employer.

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:

Mr. Wilmoth's prospective employment is unlikely to involve any substantial contact between Mr. Wilmoth and the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of Agriculture, as the prospective employer is currently not licensed by the Indiana Grain Buyers and Warehouse Licensing Agency and does not operate as a grain buyer or warehouse in Indiana.

Moreover, to the extent any contact were to occur, it would not involve matters where the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of



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Agriculture has discretion to make decisions based on Mr. Wilmoth's work product, as Mr. Wilmoth did not produce any work product pertaining to the prospective employer on which the Indiana Grain Buyers and Warehouse Licensing Agency or the Indiana State Department of Agriculture would base any decisions either has the discretion to make.

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:

Mr. Wilmoth's prospective employment would be consistent with the public good and the interests of Indiana as this employment would allow him to bring necessary insight and experience regarding government affairs to a company that is important to the lives of many Hoosiers. While this prospective employer no longer operates as a grain buyer or warehouse in Indiana, it still employs many Hoosiers in other capacities and produces a significant portion of the food consumed by Hoosiers every day. Having Mr. Wilmoth bring his expertise to this position will, therefore, be beneficial to the state and the public.

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

A denial of this waiver would result in a substantial economic hardship for Mr. Wilmoth. Mr. Wilmoth resigned his position as Director of the Indiana Grain Buyers and Warehouse Licensing Agency in October 2024, to move back to the Northwest Arkansas area to be closer to his family and support system. This prospective employer is one of the largest in Northwest Arkansas and a denial of this waiver would severely limit Mr. Wilmoth's employment prospects in the immediate area where his family resides. Moreover, this prospective position offers Mr. Wilmoth the opportunity for remarkable professional growth and a continued career in advocacy work for the agriculture industry and rural communities in Indiana and across the country.

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.

A handwritten signature in black ink that reads "Don Lamb".

Don Lamb
Director of ISDA

December 2, 2024

DATE



Indiana State Department of Agriculture

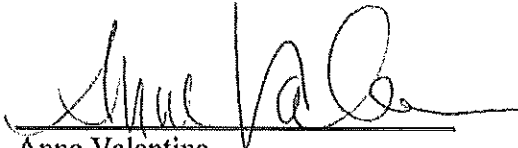
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2. Ethics Officer of agency

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).

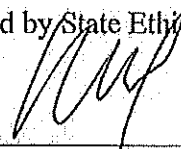

Anne Valentine

12/2/2024
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission


Katherine Noel, Chair, State Ethics Commission

12-12-24
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.