

INDIANA
STATE ETHICS COMMISSION

IC 4-2-6-11

Post-employment waiver

AUG 12 2021

FILED

As the Appointing Authority of the Indiana Department of Natural Resources, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Dale Gick in his/her post-employment with Commonwealth Engineers, 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):*

Mr. Gick has been involved in all contracts involving Commonwealth Engineers, Inc. that involve DNR properties. Mr. Gick would be an asset for DNR in that his extensive knowledge of the projects can expedite projects and result in projects that meet DNR's expectations more efficiently.

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:

Mr. Gick's position as the Director of Engineering involved review and recommendations of contracts and payments with Commonwealth Engineers, Inc. Actual authority for contract approval lies with the Department of Administration, Division of Public Works.

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

Mr. Gick will serve as a project manager. His duties will include scheduling, budget oversight and assistance, and technical oversight and direction of assigned projects. He will be responsible for maintaining client satisfaction and growing work opportunities.

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:

Commonwealth Engineers, Inc. is a valued consultant for DNR projects. Historically, they have performed consultant work for water, wastewater, and dam projects. Mr. Gick has extensive knowledge of DNR's assets including projects that would be viable for future work with Commonwealth Engineers, Inc. DNR would provide oversight of work performed by Mr. Gick through Commonwealth Engineers, Inc.

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. Gick has extensive knowledge of DNR's assets as well as the policies and procedures related to performing projects through DNR and IDOA. Mr. Gick's involvement in projects would be beneficial to DNR in that submittals and projects would be performed in accordance with current procedures thus saving DNR considerable time in training and review.

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

Mr. Gick has been employed by DNR for over 25.5 years. Denial of this request would result in substantial wage loss and opportunity for advancement for Mr. Gick. It is not viable for Mr. Gick to be without work for 365 days.

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.

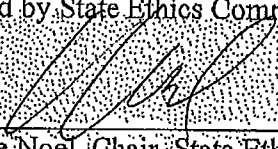
Signature Daniel W. Bates DATE 6/29/21
(Name of state officer or appointing authority)

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).

Signature Justin A. Pivily DATE 6/29/21
(Name of ethics officer)

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	<u>8-12-21</u>
Katherine Noel, 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.*