

INDIANA
STATE ETHICS COMMISSION

JUL 10 2020

FILED



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Piggott
Commissioner

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of Indiana Department of Environmental Management, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Rebecca Eifert Joniskan in her post-employment with Purdue University and the Indiana State Poultry Association.

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):

X 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.

X IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving ed 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:
 - a. As IDEM OLQ Permits Branch Chief and Solid Waste Permits Section Chief, Ms. Joniskan participated in discussions and advised others about the rule-making efforts related to the programs she oversaw, however, she did not have final decision making authority over those matters. She did not have substantial decision-making authority over policies or contracts.
 2. Please describe the nature of the duties to be performed by the employee for the prospective employer:
 - a. Execute and administer the programs of the Indiana State Poultry Association (ISPA)
 - b. Guide policy affecting all elements of poultry production
 - c. Lead Indiana's National Poultry Improvement Plan (NPIP) and overall poultry disease control programs collaborating with the Indiana State Board of Animal Health (BOAH).
 - d. Educate government and university officials, elected officials, and the public about the poultry industry, its economic impact on Indiana, and the industry's needs for it to continue to flourish
 - e. Secure financial resources and account for the resources required to continue and expand ISPA programs
 - f. Through Cooperative Agreements, collaborate with USDA, Animal Plant Health Inspection Service (APHIS) for surveillance and control of poultry diseases in commercial, small flock and exhibition poultry, waterfowl, and game birds
 - g. Develop educational programs with Purdue's Animal Disease Diagnostic Lab (ADDL), Indiana State Board of Animal Health (BOAH), and other agencies to train producers to become Indiana NPIP Authorized Agents and Authorized Testing Agents
 - h. Promote and educate consumers on the benefits of consuming turkey, egg products, and all of poultry when resources are available
 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:
 - a. The prospective employment will not involve substantial contact with the employee's former agency. There will be occasional contact with the IDEM Agricultural Liaison who regularly attends the open portion of ISPA quarterly board meetings to keep the association apprised of developments at IDEM that may affect the poultry industry. The interactions will not include matters related to permit decisions made by the employee for Purdue University or ISPA members. The Indiana State Board of Animal Health is responsible for animal mortality management in the State of Indiana, and they may request technical advice from IDEM on potential environmental impacts of specific mortality management practices and information

on potential waste treatment and disposal facilities and their capabilities in the event of or in anticipation of a mass mortality incident.

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:
 - a. Ms. Joniskan has broad knowledge of IDEM's OLQ permitting programs and how the criteria they include support protection of human health and the environment. In the ISPA role, she would be able to advise a wide array of people and organizations on the specifics of the regulatory requirements and how complying with them can benefit and protect Indiana's environment. Her knowledge of the regulatory requirements and her ability to communicate in layperson's terms why compliance with the regulatory requirements is important could help decision makers make more informed, scientifically-based decisions. On the subject of management of animal mortalities from disease and non-disease related events, she could help producers and other stakeholders better understand the potential environmental impacts that could result from mis-management of animal mortalities and motivate them to consider environmental impacts when making mortality management decisions.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:
 - a. If Ms. Joniskan was denied the waiver, she would not be able to accept the position if it were offered. She could not afford to not work for the required 365 day cooling-off period. Also, it is doubtful the ISPA would delay hiring for this position for the 365-day period, so the opportunity for the position would be lost to her. This would represent both a likely lost opportunity for an increase in salary and an important step in her professional development leading to fewer future opportunities.

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.

Bruno Pigott
Bruno L. Pigott

07/09/2020
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).

Kathleen Mills
Kathleen Mills

07/09/2020
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
<u>Katherine Noel, Chair, State Ethics Commission</u>	<u>7-10-20</u>
	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.*

