



Indiana Housing & Community Development Authority

INDIANA
STATE ETHICS COMMISSION

JUN 10 2021

FILED

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

As the Appointing Authority of the Indiana Housing and Community Development Authority (IHCDA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Veronica Watson in her post-employment discussions with Ohio Valley Opportunities Community Action Agency.

I understand the agency must file and present this waiver to the State Ethics Commission at their next available meeting. Our Ethics Officer, Kyleen Welling, is prepared to attend the next scheduled meeting to present this waiver. 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:

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(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 see B. 1(b) 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:



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EQUAL OPPORTUNITY EMPLOYER AND HOUSING AGENCY

State of Indiana
Lieutenant Governor
Suzanne Crouch



- a. **Policies and Rules:** The employee serves as IHCDAs Manager overseeing the Community Services Block Grant (CSBG), Individual Development Account and Neighborhood Assistance programs. In that capacity Veronica oversees grant awards made from those funding sources, provides technical assistance and training, drafts policies and manuals, and complies reporting to the federal or state governments.

The largest program of the three is the CSBG program, which is a federal program through the United States Department of Health and Human Services (HHS) administered by the IHCDAs. The program began in 1981 and has operated continuously since that time. IHCDAs began to oversee the program in 2007 after taking it over from the Family and Social Services Agency.

Community Action Agencies (sometimes called Community Action Programs or CAPs) are designated by federal law to be eligible to receive at least 90% of a state's annual allocation of CSBG. CAPs are local non profit agencies or local units of government that work to alleviate the conditions and causes of poverty. In Indiana, CAP agencies were originally authorized by the Governor's Office, and the criteria to be considered a CAP agency are found in I.C. 12-14-23. There are currently 22 Community Action Agencies in Indiana and each serves multiple counties in their region. Indiana's most recent annual CSBG award was for \$10,669,000 which was distributed amongst the 22 CAP agencies.

CAP agencies may use CSBG funds for a variety of activities, including staffing and administrative costs and to operate programming for low income clients. CAP agencies inform IHCDAs of their annual plans for using the allocation of funds, but IHCDAs does not have the authority to dictate what programming or expenses they may use the funds on, beyond setting a limit on administrative expenses. CAP agencies are monitored periodically to ensure CSBG funds are spent appropriately and that other requirements established by IHCDAs and HHS are complied with.

Veronica does participate in conversations around setting policies for the CSBG program, though many of the requirements are straight from the federal authorizing legislation and rules and can not be altered or waived by IHCDAs.

- b. **Contracts:** The IHCDAs is a public body corporate and politic established by IC 5-20-1-3. The Authority is governed by a Board of Directors which consists of seven members and is chaired by the Lieutenant Governor. The Board of Directors has delegated certain authority to IHCDAs Executive Director to approve contracts and formula awards for grants.

IHCDAs Board of Directors has approved a formula award matrix for use with the CSBG program, which Veronica oversees. The matrix assigns point values to various socio-economic indicators such as unemployment and poverty rates within a county. This matrix was approved by IHCDAs Board of Directors prior to Veronica's employment with IHCDAs and is used to determine award amount for the annual CSBG award to local Community Action Agencies. Those dollar

amounts are sent to IHCDAs Executive Director who approves them. Individual grant agreements are then sent to each Community Action Agency for signature. As indicated these awards originated in 1981 and have pretty much continued since that time. Once a Community Action Agency is designated, it will be eligible for an annual allocation of CSBG funds unless it is de-designated by IHCDAs and the HHS.

Ohio Valley Opportunities is an existing Community Action Agency and receives an annual CSBG allocation, and have since 2007 when this program moved to IHCDAs. This grant award amount was determined by the award matrix approved by IHCDAs Board of Directors. Veronica then serves as the main agency point of contact on the grant agreement. The grant agreement is monitored by a different department at IHCDAs. Veronica is supervised by the Director of Community Programs division at IHCDAs. Major decisions regarding the administration of the grant agreement with Ohio Valley Opportunities would be decided on by the Director, often in consultation with IHCDAs General Counsel or Chief of Staff and Chief Operating Officer.

Ohio Valley Opportunities has three current grant agreements active, which would require a **particular matter** waiver to enable her to perform her new job duties successfully. Those awards are:

- a. 2020 Regular program award which expires 9/30/2021 in the amount of \$235,103.39.
- b. CARES Act special award which expires 9/30/2022 in the amount of \$294,418.90.
- c. 2021 Regular program award which expires 9/30/2022 in the amount of \$220,124.08.

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

The prospective employment is the CSBG Operations Manager, a new role at Ohio Valley Opportunities. In this role Veronica would help develop program plans and policies, respond to monitoring findings, create corrective action plans and help oversee the program budget for the CSBG program and any activities funded by the CSBG dollars.

(3) Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extend to which any such contact is likely to involve matters where to agency has the discretion to make decisions based on the work product of the employee:

The prospective employment is likely to involve substantial contact with IHCDAs. Veronica would interact with her replacement and other existing IHCDAs staff to help oversee monitoring and compliance visits, audits, etc.

- (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:

The CSBG program can be very cumbersome and tedious for CAP agencies to administer, the amount of federal guidelines and rules is quite substantial in comparison to the award amounts for a typical CAP program. Veronica's expertise in the program would aid Ohio Valley Opportunities in being more efficient and effective with their award and would thus result in more dollars being available for programming to serve low income families and individuals in the Ohio Valley Opportunities territory which consists of Jefferson, Jennings and Scott Counties.

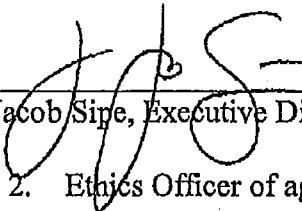
- (5) Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

None

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.



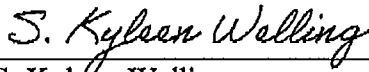
J. Jacob Sipe, Executive Director

June 2, 2021

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).




S. Kyleen Welling

6/2/2021

Date

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY Approved by State Ethics Commission	
 _____ Katherine Noel, Chair, State Ethics Commission	6-10-21 _____ 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.