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February 23, 2006

Ex-state employee suing over work ban

Former transportation official says Daniels' executive order oversteps his authority

By **Kevin Corcoran**
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A former high-ranking state transportation official filed suit Wednesday to have Gov. Mitch Daniels' executive order restricting employment options for workers who leave state government declared unconstitutional.

In her Marion Superior Court suit, Vaneeta Kumar argues that the one-year post-employment ban on working for state contractors -- later incorporated into state law -- exceeded the governor's executive power and should be invalidated.

"The governor does not have the authority to legislate," said one of Kumar's attorneys, Mario Garcia.

Kumar's lawsuit asks Marion Superior Court Judge Cynthia Ayers to declare Daniels' order unconstitutional and allow Kumar to accept a job that's being held open for her with an engineering firm that does business with the state.

Daniels signed the executive order on his first day in office, saying it would set a better ethical tone in state government.

Daniels spokeswoman Jane Jankowski declined comment, saying the governor's office had not received the complaint. Mary Lee Comer, executive director of the State Ethics Commission, which enforces the order, could not be reached.

Last month, the commission told Kumar, a deputy transportation commissioner under then-Democratic Gov. Joe Kernan, that she could not take a job working for the DLZ engineering firm, which is working on the city of Indianapolis' sewer-upgrade project.

The Indianapolis woman has been unemployed since leaving state government; the job would pay at least \$80,000 a year.

Kumar had supervised the I-69 project, which DLZ worked on while she was at the Indiana Department of Transportation. DLZ approached Kumar about a job in August 2005, four months after she had resigned from INDOT.

Kumar worked for DLZ for a week in October before learning INDOT objected to her new line of work as a violation of the "revolving-door" policy.

The commission declined to grant her a waiver even though she could have avoided the restriction by refusing to stay on with INDOT through the transition between governors. She tried to resign her political appointment "shortly after" Daniels took office, but INDOT Commissioner Tom Sharp refused to accept her resignation.

Call Star reporter Kevin Corcoran at (317) 444-2750.

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