



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

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Eric Holcomb, Governor

Room N725

Joe McGuinness, Commissioner

November 29, 2021

INDIANA  
STATE ETHICS COMMISSION

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FILED

Katherine Noel, Chair  
Indiana State Ethics Commission  
315 West Ohio Street, Room 104  
Indianapolis, Indiana 46202

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Registration Fees Received by INDOT Employee Patrick Ewbank for the Indianapolis Chapter of Women in Transportation Awards Gala on November 18, 2021.

Chairperson Noel:

Commissioner Joe McGuinness, the appointing authority of the Indiana State Department of Transportation ("INDOT"), has designated authority to me as the agency's ethics officer to waive application of the Gift Rule in individual cases when consistent with the public interest. I am hereby waiving application of 42 IAC 1-5-1 (a) in relation to INDOT Employee Patrick Ewbank's attendance at the Indianapolis Chapter of Women in Transportation Awards Gala on November 18, 2021. Mr. Ewbank's attendance was sponsored by INDOT vendor Cardno, Inc. The attendee will benefit from attendance for the reasons provided below.

The Indianapolis Chapter of Women in Transportation Awards Gala was held at Canal 337, an events venue in Indianapolis, Indiana. Patrick Ewbank was not required to pay to attend the event, but rather was invited to sit at the table sponsored by Cardno, Inc. at a total cost of Six Hundred Dollars (\$600.00). A total of eight (8) attendees sat at the Cardno table, meaning the value transmitted to INDOT employee Patrick Ewbank was Seventy-Five Dollars (\$75.00). No other items of value were gifted to Mr. Ewbank, and he was instructed not to accept any item offered.

The Indianapolis Chapter of Women in Transportation Awards Gala is primarily a networking event and a celebration of the private-public partnerships underlying successful transportation infrastructure projects delivered during 2021. It is further an opportunity to celebrate the critical role that women play in the design and construction of Indiana roads, both on the private side and within the ranks of INDOT. Women in Transportation is one of a handful of organizations dedicated to promoting female participation in road construction, a mission in which INDOT has a particular interest as a major industry stakeholder and public-service entity. In the agency's latter role as public sector leader, increasing the participation of a large, underrepresented segment of the state's population is very important to building a 21<sup>st</sup> century economy.

As such, the participation of INDOT personnel, in this instance Patrick Ewbank, in events such as the Indianapolis Chapter of Women in Transportation Awards Gala, is hugely beneficial to driving gender equity in delivering road construction projects in the Hoosier State. Mr. Ewbank's attendance at the Gala further served to ensure that INDOT had representation at the event, to strengthen relationships

with critical stakeholders, connect with industry leaders who happen to be women, and answer questions concerning and otherwise speak to INDOT capital planning and operations. A waiver of the gift rule to allow INDOT employee Patrick Ewbank to accept event registration worth Seventy-Five Dollars (\$75.00) is therefore very much in the public interest under the circumstances set forth above.

Furthermore, beyond networking and economic modernization, the Indianapolis Chapter of Women in Transportation Awards Gala also served to introduce and explain new and innovative construction and design methodologies utilized in recently completed projects. Indiana Code 8-23-2- 4.1(4)(A) provides that INDOT is responsible for the "construction, reconstruction, improvement, maintenance, and repair of (state) highways" and Indiana Code 8-23-2- 5(a)(4) imposes upon INDOT the statutory duty in to "evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques." By attending the Gala, Patrick Ewbank was educated concerning developments in the transportation infrastructure industry, including new products, design and construction methods, and best practices in project management.

Therefore, it is my opinion that it is consistent with the public interest for the referenced INDOT personnel to attend the Indianapolis Chapter of Women in Transportation Awards Gala on November 18, 2021, and to receive the item of value specified above, even though payment for this item is being made by Cardno, Inc., an entity that has a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow Patrick Ewbank, INDOT Ecology and Waterway Permitting, to accept registration fees for the Indianapolis Chapter of Women in Transportation Awards Gala, with a total value of Seventy-Five Dollars (\$75.00).

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 234-2115 or [chserak@indot.in.gov](mailto:chserak@indot.in.gov).

Sincerely,

*/s/ Christopher Bradley Serak*

Christopher B. Serak,  
Prequalification Director &  
Ethics Officer  
Indiana Department of Transportation