



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Michael Smith, Commissioner

May 10, 2022

INDIANA
STATE ETHICS COMMISSION

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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 Certain Items of Value Received by INDOT Employees in Relation to the Traffic Management Expo 2022 on April 13, 2022.

Chairwoman Noel:

Commissioner Michael J. Smith, 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) for items of value received by INDOT employees Prakash Patel, Kate Pippin, Shahpor Shahbahrani, and Ankur Desai in relation to their participation in the Traffic Management Expo 2022 (the "Expo") on April 13, 2022. Each employee benefited from attendance for the reasons provided below.

The Traffic Management Expo was held at Medinah Shrine Center, 550 Shriners Dr., Addison, Illinois 60101 on April 13, 2022. The only item of value received by INDOT employees in relation to the Traffic Management Expo 2022 was a lunch meal. Employees may have received additional items not subject to the gift rule, namely souvenirs of nominal value, such as vendor-branded trinkets offered by corporate expo attendees. Lunch had an approximate value of Twenty Dollars (\$20.00) per person, making the estimated total value of items received by INDOT employees in relation to the Traffic Management Expo 2022 Eighty Dollars (\$80.00).

The meals provided to the attending INDOT employees were paid for by the event host Traffic Control Corporation ("TCC"), an INDOT vendor and industry partner with an ongoing business relationship with INDOT. TCC retails proprietary traffic equipment to the traffic design, engineering, and maintenance industry, as well as providing training and technical services for the company's proprietary traffic management technology systems and devices. The vendor-branded trinkets potentially made available to the attending INDOT employees were offered by companies in the traffic management industry with possible interest in INDOT contracting opportunities. While such souvenirs are not subject to the prohibition on accepting gifts under 42 IAC 1-5-1, receipt is being disclosed in the interest of complete transparency.

INDOT personnel covered by this waiver were instructed not to accept any other item of value from any other person or entity if that person or entity may have a business relationship with INDOT or may seek to influence an action by one or more INDOT personnel in his or her official capacity. INDOT personnel are regularly informed that the safest course of action at any industry event is to assume that anyone in attendance from the private sector might have a business relationship with INDOT.

The Traffic Management Expo is primarily educational in nature, with some networking opportunities as well (see attached Exhibit A (Expo Agenda)). The listed INDOT employees attended all educational sessions, as well as participating in networking opportunities and product demonstrations. The attending INDOT employees also made themselves available to answer attendee's questions about doing business with INDOT and INDOT operations.

The individuals who attended the event are all employed in the INDOT Traffic Design division, and therefore have direct roles in working with traffic industry stakeholders, such as those vendors in attendance at the event. The professional services provided by these individuals for INDOT were enhanced by learning about evolving best practices and technological developments in the traffic design, engineering, and maintenance industry, and from exchanging ideas with industry stakeholders in attendance. Accordingly, every INDOT employee who participated in the Expo holds a position with duties that directly benefited from their individual attendance at the event, both through the educational and networking components of the Expo.

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 Traffic Management Expo 2022, INDOT employees were educated concerning developments in the traffic design and engineering industry, including changing design best practices, technological advancements, and new product development. INDOT employees further had the opportunity to build better partnerships with attendee firms that do business with the Department and educate industry members regarding INDOT operations. Attendees were likewise able to connect with potential new suppliers and technical services vendors, who could offer improvements to INDOT's critical traffic design, engineering, and management programming.

Therefore, it is my opinion that it is consistent with the public interest for the below listed INDOT personnel to have attended the Traffic Management Expo 2022 on April 13, 2022, and to receive the items of value specified above, even though payment for these items was made by Traffic Control Corporation, a company with a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT employees Prakash Patel, Kate Pippin, Shahpor Shahbahrami, and Ankur Desai to accept food and beverages with a total value of approximately Eighty Dollars (\$80.00) provided by Traffic Control Corporation in relation to the employees' attendance at the Traffic Management Expo 2022 on April 13, 2022.

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.

Very Respectfully Submitted,

/s/ Christopher Bradley Serak

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