



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Phone: 317 232-5095

Eric Holcomb, Governor

Room N725

Joe McGuinness, Commissioner

January 12, 2022

INDIANA
STATE ETHICS COMMISSION

JAN 12 2022

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 Full Scholarship Received by INDOT Employee Mir A. Zaheer to attend the 2022 Florida Transportation Builders' Association ("FTBA") Construction Conference on January 20-21, 2022.

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 Mir A. Zaheer's receipt of a full scholarship to attend and participate in the 2022 Florida Transportation Builders' Association ("FTBA") Construction Conference on January 20-21, 2022. Mr. Zaheer will be presenting regarding innovations he has helped drive for INDOT and his attendance will therefore be sponsored by a full scholarship from the Florida Transportation Builders' Association (FTBA), whose membership includes companies that have a business relationship with INDOT. As a trade association for the State of Florida, with no interest in doing business with INDOT, the FTBA's sponsorship of Mr. Zaheer's participation in the event is in no way an attempt to influence the employee's decision making as a Department employee or an effort to obtain business from the State of Indiana. Furthermore, the attendee, and INDOT, will benefit greatly from his attendance for the reasons provided below.

The 2022 Florida Transportation Builders' Association Construction Conference will be held on January 20th and 21st, 2022 at the Hyatt Regency Orlando, 9801 International Drive, Orlando, Florida 32819. FTBA's sponsorship of Mr. Zaheer's participation includes a full scholarship covering: (1) airfare (\$264.97); (2) hotel/lodging at the Hyatt Regency Orlando (\$331.79); (3) event registration (\$100); and (4) ground transportation (\$56.00). Registration fees cover food and drink consumed at the event, while hotel/lodging expenses may include incidental food and drink provided to hotel guests. The total cost of items of value paid for by the Florida Transportation Builders' Association (FTBA) on INDOT employee Mir A. Zaheer's behalf is Seven Hundred Fifty-Two Dollars and Seventy-Six Cents (\$752.76).

The 2022 FTBA Construction Conference is an educational and professional networking event for public and private stakeholders in the transportation infrastructure industry. It is an opportunity for industry stakeholders from across the United States to share project successes and important innovations realized during the preceding year. The event will include professional development for engineers, vendor booths, and demonstrations of new products and processes. INDOT employee Mir Zaheer was asked to attend to demonstrate and present information regarding INDOT's utilization of cutting edge automated wireless blow count devices, implemented in the calculation of parameters for bridge pier erection and related functions. Mir will have the opportunity to assist other state DOT's to understand the value and use of these automated devices, while collecting information regarding best practices from other subject matter experts across the industry. Mr. Zaheer will also have the chance to learn from and establish professional relationships with vendors that manufacture devices that INDOT utilizes, or could utilize, in delivering highway projects. This opportunity transcends the topic of wireless blow count devices, as Mir will be in contact with a vast array of professionals in the transportation infrastructure industry, including peers in other DOTs, contractor principals and senior field personnel from other states, and engineering experts present to provide professional development to attendees.

Accordingly, the participation of INDOT personnel, in this instance Mir A. Zaheer, in events such as the 2022 FTBA Construction Conference, is hugely beneficial to driving innovation at INDOT and across state DOTs, identifying and integrating construction best practices into INDOT operations, and ultimately enhancing the quality of Department programming and project delivery to the taxpayers of the State of Indiana. Furthermore, the individual professional development that Mr. Zaheer will gain from attendance will be incorporated into his service to INDOT and enhance the quality of his individual work performance. The aggregate benefit of Mir A. Zaheer's attendance at the 2022 FTBA Construction Conference, to INDOT, other state DOTs, and private industry stakeholders, will ultimately enhance the quality of state and federal road construction projects, which is a primary goal of INDOT as a state and federally funded agency.

In fact, 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." As summarized above, by attending the 2022 FTBA Construction Conference, Mir A. Zaheer will be educated concerning developments in the transportation infrastructure industry, including new products, design and construction methods, and best practices in project management. The employee's attendance at the event will thereby assist in INDOT's furtherance of its statutory prerogative as detailed under Indiana Code 8-23-2- 4.1(4)(A) and help meet the agency's duties under Indiana Code 8-23-2- 5(a)(4).

Therefore, it is my opinion that it is consistent with the public interest for INDOT employee Mir A. Zaheer to attend the 2022 Florida Transportation Builders' Association Construction Conference on January 20-21, 2022, and to receive the items of value specified above, even though payment for these items is being made by an entity whose members include companies that have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow Mir. A. Zaheer, Manager Geotechnical Consultant Design Services, to accept the Florida Transportation Builders' Association's sponsorship of his attendance at the construction conference in the form of a full scholarship that includes: (1) airfare (\$264.97); (2) hotel/lodging (\$331.79); (3) registration fees for the event (\$100); and (4) ground transportation (\$56.00) for a total gift value of Seven Hundred Fifty-Two Dollars and Seventy-Six Cents (\$752.76).

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.

Sincerely,

/s/: Christopher Bradley Serak

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