



INDIANA DEPARTMENT OF TRANSPORTATION

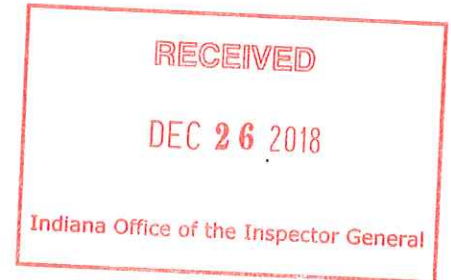
100 North Senate Avenue
Room N725
Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Joe McGuinness, Commissioner

December 20, 2018

Mr. James Clevenger, 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 That Will Be Received by INDOT Employees for the APAI Annual Winter Conference and Trade Show on December 19-21, 2018.

Dear Mr. Clevenger:

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) for the INDOT employees identified on the attached Exhibit A, so that they may attend the APAI Annual Winter Conference and Trade Show ("APAI Conference") on December 19-21, 2018. Each attendee will benefit from attendance for the reasons provided below.

The APAI Conference will be held at the Indianapolis Marriott East, 7202 E 21st Street, Indianapolis, Indiana 46219. The item(s) of value that will be received by INDOT employees attending the APAI Conference include registration fees and three (3) lunch meals. The registration fees have a value of Two-Hundred Eighty Dollars (\$280.00) per person. Each lunch has an approximate value of Forty Dollars (\$40.00), for a total gift value of Three Hundred Twenty Dollars (\$320.00) per person.

The costs of the registration fees and lunch will be covered by APAI. Several of the member-companies that will attend the APAI Conference, and pay the dues from which INDOT's expenses will be covered, 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 covered by this waiver will be instructed to not accept any other item of value from any other person, if that person 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 also will be informed that the safest course of action is to assume that anyone in the private sector attending the APAI Conference might have a business relationship with INDOT.

The APAI Conference is primarily educational in nature, with some networking opportunities as well. The listed INDOT employees will attend all educational sessions, as well as participating in networking opportunities. Several employees will give presentations during the educational components of the conference, and will be available to answer attendee's questions about doing business with INDOT, and INDOT operations.

The individuals who will attend the event, as identified in Exhibit A, are in construction department or similar positions within central office or the INDOT districts, all of which have contact with asphalt

contractors, or otherwise assist in the delivery of construction projects involving such contractors or other stakeholders who will be in attendance at the event. The professional services of these individuals will be enhanced by learning about evolving means and methods in the asphalt paving industry, and from exchanging ideas with industry stakeholders in attendance. Even those individuals not specializing in asphalt related work within the Department will benefit from such opportunities, as project delivery requires a holistic understanding of construction requirements. Accordingly, every attendee listed in Exhibit A is in a position with the Department that will benefit from attendance, both through the educational and networking components of the event.

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 APAI Conference, INDOT employees will be educated concerning developments in the asphalt and pavement industry, including construction means and methods. INDOT employees will further have the opportunity to build better partnerships with attendee firms that do business with the Department, and educate industry members regarding INDOT operations.

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the APAI Conference on December 19-21, 2018, and to receive the items of value specified above, even though payment for these items is being made from dues paid by entities that may have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT to accept registration fees and lunch meals for the APAI Conference, with a total value of Three Hundred Twenty Dollars (\$320.00) per person.

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,



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

INDOT Attendees- 2018 APAI Winter Conference			
Hauser Derrick	Central Office	dhauser@indot.in.gov	Registration
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Galetka Jason	Central Office	jgaletka@indot.in.gov	Registration
Leckie John	Central Office	jleckie@indot.in.gov	Registration
Reilman James	Central Office	jreilman@indot.in.gov	Registration
Novak Joseph	Crawfordsville	jnovak@indot.in.gov	Registration
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Newman Donavon	Crawfordsville	dnewman1@indot.in.gov	Registration

Exhibit A (INDOT Attendees- 2018 APAI Winter Conference)

Kelley Jacob	Crawfordsville	jkelley2@indot.in.gov	Registration
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Fox Gary	Central Office	gafox@indot.in.gov	Registration
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Fair Eric	Crawfordsville	efair@indot.in.gov	Registration

Exhibit A (INDOT Attendees- 2018 APAI Winter Conference)

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