

INDIANA DEPARTMENT OF TRANSPORTATION

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Indianapolis, Indiana 46204

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Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA
November 28, 2018 STATE ETHICS COMMISSION

Mr. James Clevenger, Chair
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202

NOV 29 2018

FILED

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 Indiana Constructors, Inc. Annual Meeting on November 29, 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 following INDOT employees, so that they may attend the Indiana Constructors, Inc. Annual Meeting ("ICI Annual Meeting") on November 29, 2018: (1) Elizabeth Kiefner Crawford; (2) Alison Grand; (3) Angela K. Roosa; (4) Kathleen D. Thurman; (5) Kathryn Daniels; and (6) Pam Fisher.

The ICI Annual Meeting will be held at the Hyatt Regency Indianapolis One S. Capitol Ave., Indianapolis, IN 46204. The item(s) of value that will be received by INDOT employees attending the ICI Annual Meeting include registration fees and cost of lunch, with a total value of Eighty-Eight Dollars (\$88.00) per person. The total value of the gifts received by all six (6) listed attendees is Five Hundred Twenty-Eight Dollars (\$528.00).

The costs of the registration fees and lunch will be covered by Indiana Constructors, Inc. ("ICI"). Many of the member-companies that will attend the ICI Annual Meeting, 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 ICI or 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 ICI Annual Meeting might have a business relationship with INDOT.

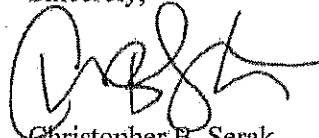
The ICI Annual Meeting is primarily educational in nature, with some networking opportunities as well. The listed INDOT employees will attend all educational sessions, as well as participating in networking opportunities. The employees will also be available to answer attendee's questions about doing business with INDOT, and INDOT operations.

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 ICI Annual Meeting, INDOT employees will be educated concerning developments in the construction industry, including construction means and methods. IINDOT employees will further have the opportunity to build better partnerships with attendee firms that do business with the Department.

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the ICI Annual Meeting on November 29, 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 for the ICI Annual Meeting, with a total value of is Five Hundred Twenty-Eight Dollars (\$528.00) (Eighty-Eight Dollars (\$88.00) 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