



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
State Form 55860 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

FILED

JUL 30 2024

INDIANA STATE
ETHICS COMMISSION

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Capes	Name (first) Wilbur	Name (middle)
Name of office or agency Department of Transportation		Job title Construction Project Supervisor
Address of office (number and street) 185 Agrico Lane		City Seymour
		ZIP code 47274
Office telephone number (855) 463-6848	Office e-mail address (required) wcapes@indot.in.gov	

Describe the conflict of interest:
Wilbur Capes is a Construction Project Supervisor for the Indiana Department of Transportation - Seymour District.

Wilbur Capes is retiring from INDOT on Wednesday, July 31, 2024 and has recently accepted employment with Clark Dietz, Inc. Clark Dietz, Inc. has a business relationship with INDOT, including active contracts with the Department. Wilbur Capes' employment negotiations with Clark Dietz, Inc. therefore created a potential decisions and voting conflict under IC 4-2-6-9. This disclosure is therefore being filed in anticipation of that conflict.

Wilbur Capes is not subject to the mandatory cooling off period (IC 4-2-6-11(b)) with regard to Clark Dietz, Inc.

Wilbur Capes is subject to the particular matter restriction and will not assist future employers, including Clark Dietz, Inc. with any matter he personally and substantially participated in on behalf of INDOT. This disclosure was provided to Mr. Capes' appointing authority, Commissioner Michale J. Smith, on July 31, 2024.

Evidence of said disclosure to Commissioner Smith is filed herewith pursuant to IC 4-2-6-9(b)(2)(D). Pursuant to IC 4-2-6-9(b)(2), this disclosure was executed and filed with the SEC within seven (7) days of the potential conflict being identified by the below signed ethics officer.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee



Date signed (month, day, year)

07/30/2024

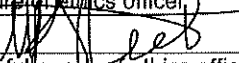
Printed full name of state officer, employee or special state appointee

Wilbur Capes

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer



Date signed (month, day, year)

7/30/24

Printed full name of ethics officer

Michele D. Steele

CONFLICT OF INTEREST SCREEN FOR WILBER CAPES

July 30, 2024

I. RECITALS

WHEREAS, Wilber Capes is a Construction Project Supervisor for the Indiana Department of Transportation-Seymour District ("INDOT" or "Department"); and

WHEREAS, Wilbur Capes recently accepted employment with Clark Dietz, Inc.; and

WHEREAS, Clark Dietz, Inc. has a business relationship with INDOT, including active contracts; and

WHEREAS, as Construction Project Supervisor for INDOT Seymour District, it is possible that Wilbur Capes could be assigned to participate in matters in which Clark Dietz, Inc. has an interest as part of his regular duties; and

WHEREAS, Wilbur Capes's employment negotiations with Clark Dietz, Inc. created a potential decision and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, Wilbur Capes is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers, including Clark Dietz, Inc., with any matter he personally and substantially participated in for INDOT; and

WHEREAS, Wilbur Capes may have obtained confidential information in the course of his employment with INDOT and has an affirmative duty to protect such information from disclosure and to refrain from relying on such information for the benefit of himself or future employers.¹

NOW THEREFORE, Wilbur Capes, Construction Project Supervisor for INDOT, for his remaining tenure with INDOT, or until he discontinues employment negotiations with Clark Dietz, Inc., agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Wilbur Capes must adhere to terms three (3) and four (4) regarding the particular matter restriction and confidential information in perpetuity.

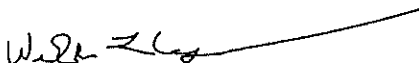
II. CONFLICT OF INTEREST SCREEN

1. Wilbur Capes shall not participate in any decision or vote, or any matter related to such decision or vote, in which Clark Dietz, Inc. has a financial interest.
2. Wilbur Capes is screened from participating in any present or future contract or other matter involving Clark Dietz, Inc.
3. Wilbur Capes shall not assist any future employers, including Clark Dietz, Inc., with any matter he personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of the particular matter.
4. Pursuant to his duty under Ind. Code §5-14-3-10, Wilbur Capes shall not disclose or otherwise rely upon information classified as confidential under Ind. Code §5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

III. EMPLOYEE AFFIRMATION

I have read and understand the terms of the foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which Clark Dietz, Inc. has a financial interest. I understand that the first two (2) terms of this screen terminate upon my leaving the Department or the discontinuation of negotiations with Clark Dietz, Inc., whichever occurs first. I further understand that terms three (3) and four (4) regarding particular matters and confidential information respectively, apply in perpetuity, for the life of each matter and so long as the subject information is deemed confidential. I have shared and discussed this Conflict of Interest Screen and its requirements with my supervisor.

Executed and agreed this 30th day of July 2024, by:



Wilbur Capes, Construction Project Supervisor
Indiana Department of Transportation- Seymour District

¹ State employees have an affirmative duty under Ind. Code §5-14-3-10 to protect from disclosure and to refrain from relying upon information defined as confidential under Ind. Code §5-14-3-4.

Baker, Nathaniel P

From: Steele, Michele
Sent: Tuesday, July 30, 2024 1:04 PM
To: Smith, Michael J
Subject: Conflicts of Interest Disclosure - Wilbur Capes
Attachments: Ethics Disclosure Statement - COI- W. Capes (signed).pdf; COI Screen- W. Capes (signed).pdf

Commissioner Smith,

This email is to notify you that a conflict of interest screen and ethics disclosure statement will be filed for Wilbur Capes, an INDOT employee, with the State Ethics Commission.

Thank you,

Michele Steele, J.D., LLM

Director of Compliance/Prequalification and Ethics Officer

Indiana Department of Transportation

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