



**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**

**SEP 22 2023**

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) Foheybreting		Name (first) Nicole		Name (middle)	
Name of office or agency Indiana Department of Transportation			Job title Environmental Policy Office Manager		
Address of office (number and street) 100 N. Senate Ave.			City Indianapolis		ZIP code 46204
Office telephone number ( 317 ) 416-7084		Office e-mail address (required) nfoheybreting@indot.in.gov			
Describe the conflict of interest: Nicole Foheybreting is Environmental Policy Office (EPO) Manager for the Indiana Department of Transportation. Nicole Foheybreting recently entered employment negotiations with SESCO Group, a company with a business relationship with INDOT, including active contracts with the Department. Nicole Foheybreting's employment negotiations with SESCO Group created a potential decisions and voting conflict of interest under IC 4-2-6-9. This disclosure is therefore being filed in anticipation of that potential conflict.					
As EPO Manager, Nicole Foheybreting is not subject to the mandatory cooling off period (IC 4-2-6-11(b)). However Nicole Foheybreting assigned on-call consultants to work on INDOT Contract No. SP210001, DES No. 1005597, and at INDOT facilities Tibbs and New Castle, to each of which SESCO Group is an assigned consultant. Nicole Foheybreting must be affirmatively screened from further participation in said matters. Likewise, Ms. Foheybreting cannot assist future employers, including SESCO Group, with any matter she personally and substantially participated in on behalf of INDOT.					
This disclosure was provided to Nicole Foheybreting's appointing authority, Commissioner Michael J. Smith, on September 21, 2023. 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.)*  
 Formal screen was executed with INDOT ethics officer preventing Nicole Foheybreting from working with SESCO Group in her capacity as an INDOT employee. Said screen prohibits Nicole Foheybreting from exercising any of her official duties or otherwise participating in any decision or vote, or matter related to such decision or vote, involving SESCO Group, or in which SESCO Group has an interest. Nicole Foheybreting is further screened from assisting any future employer, including SESCO Group, with any matter in which she personally and substantially participated while employed by INDOT. Nicole Foheybreting is specifically and proactively screened from further participation in INDOT Contract No. SP210001, DES No. 1005597, and on-call environmental services at INDOT facilities Tibbs and New Castle. Said screen shall remain in effect for the duration of Ms.Foheybreting's employment with INDOT or until she ceases negotiations with SESCO Group, which ever occurs first.

The screen was executed on September 21, 2023, a copy of which was sent to Commissioner Michael J. Smith along with this disclosure.

**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 <i>Nicole Fohey-Breting</i>	Date signed (month, day, year) September 21, 2023
Printed full name of state officer, employee or special state appointee Nicole Foheybreting	

**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 <i>cf: Christopher B. Serak</i>	Date signed (month, day, year) September 21, 2023
Printed full name of ethics officer Christopher B. Serak	

**CONFLICT OF INTEREST SCREEN FOR NICOLE FOHEYBRETING**

**September 21, 2023**

**I. RECITALS**

WHEREAS, Nicole Foheybreting is Environmental Policy Office Manager for the Indiana Department of Transportation (“INDOT” or “Department”); and

WHEREAS, Nicole Foheybreting recently accepted employment with SESCO Group; and

WHEREAS, SESCO Group has a business relationship with INDOT, including active contracts; and

WHEREAS, as Environmental Policy Office Manager for INDOT, it is possible that Nicole Foheybreting could participate in matters in which SESCO Group has an interest as part of her regular duties; and

WHEREAS, Nicole Foheybreting’s employment negotiations with SESCO Group created a potential decision and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, Nicole Foheybreting, as part of her regular duties as Environmental Policy Office Manager, is making on-call assignments for INDOT Project Des. No. 1005597 and Contract No. SP210001, as well as for environmental services provided to INDOT facilities Tibbs and New Castle, to each of which SESCO Group has been assigned; and

WHEREAS, Nicole Foheybreting must therefore be proactively screened from further participation in assigning consultants, or undertaking any other action or activity, related to said matters, This does not limit Nicole Foheybreting’s ability to represent SESCO Group on future on-call work under Contract No. SP210001 that she did not participate in as INDOT employee; and

WHEREAS, Nicole Foheybreting is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers with any matter she personally and substantially participated in for INDOT; and

WHEREAS, Nicole Foheybreting may have obtained confidential information during her 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 herself or future employers.<sup>1</sup>

NOW THEREFORE, Nicole Foheybreting, Environmental Policy Office Manager for INDOT, for her remaining tenure with INDOT, or until she discontinues employment negotiations with SESCO Group, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Nicole Foheybreting 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. Nicole Foheybreting shall not participate in any decision or vote, or any matter related to such decision or vote, in which SESCO Group has a financial interest, including INDOT Project Des. No. 1005597 and Contract No. SP210001, as well as environmental services at facilities Tibbs and New Castle. The post-employment screen does include future on-call work under Contract No. SP210001 that Nicole did not participate in as INDOT employee.
2. Nicole Foheybreting is screened from participating in any present or future contract or other matter involving SESCO Group, including the matters listed above under item (1), subject to the caveat regarding future on-call work that she did not participate in as an INDOT employee.
3. Nicole Foheybreting shall not assist future employers, including SESCO Group, with any matter she personally and substantially participated in as an INDOT employee. This restriction applies for the life of the matter.
4. Pursuant to her duty under Ind. Code §5-14-3-10, Nicole Foheybreting shall not disclose or otherwise rely upon information classified confidential under Ind. Code §5-14-3-4 so long as said information is deemed confidential.

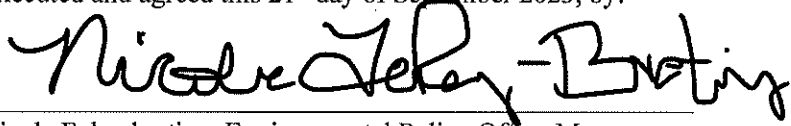
**III. EMPLOYEE AFFIRMATION**

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 SESCO Group 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 SESCO Group, 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 and will specifically maintain strict separation from any decision or vote, or matter related to such decision or vote, pertaining to INDOT Project Des. No. 1005597 and Contract No. SP210001, as well as environmental services rendered by SESCO Group or any other consultant at INDOT facilities Tibbs and New Castle.

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<sup>1</sup> 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.

Executed and agreed this 21<sup>st</sup> day of September 2023, by:

A handwritten signature in black ink, reading "Nicole Fohey-Breting". The signature is written in a cursive style with a horizontal line underneath the name.

Nicole Foheybreting, Environmental Policy Office Manager  
Indiana Department of Transportation

**Baker, Nathaniel P**

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**To:** Serak, Chris (INDOT)  
**Subject:** RE: Executed COI Disclosure & Screen (Nicole Foheybreting)

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**From:** Serak, Chris (INDOT)  
**Sent:** Friday, September 22, 2023 2:39 PM  
**To:** Smith, Michael J <[Michael.Smith@indot.IN.gov](mailto:Michael.Smith@indot.IN.gov)>  
**Cc:** Foheybreting, Nicole K <[NFoheyBreting@indot.IN.gov](mailto:NFoheyBreting@indot.IN.gov)>; Shelby, Kate <[KShelby@indot.IN.gov](mailto:KShelby@indot.IN.gov)>  
**Subject:** Executed COI Disclosure & Screen (Nicole Foheybreting)

Commissioner Smith-

Pursuant to the notice requirements of Ind. Code 4-2-6-9(b), please find the attached conflict disclosure and internal screen executed by INDOT employee Nicole Foheybreting. The disclosure and screen will be filed with the Indiana Ethics Commission in satisfaction of the same.

Please let me know if you have any questions.

Chris

**Christopher B. Serak,**  
*Director of Prequalification & Compliance*  
*ADA/Title VI*  
*Ethics Officer*  
*Prequalification Committee (Chairman)*  
*Selection Review Committee (Member)*  
**Indiana Department of Transportation**  
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