



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA STATE ETHICS COMMISSION

JAN 23 2018

January 23, 2018

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

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 and Special Appointee Attending the IMAA Winter Workshops & Trade Show to be Held on January 29-31, 2018

Dear Mr. Clevenger:

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. My authority under that designation continues until it is revoked or changed by the current INDOT Commissioner. I am hereby waiving application of 42 IAC 1-5-1(a) for the INDOT employees on the list that is attached to this letter and marked as Exhibit A so that they may attend the Indiana Minerals Aggregates Association ("IMAA") Winter Workshops & Trade Show on January 30-31, 2017.

The IMAA Winter Workshops & Trade Show will be held at the JW Marriott Hotel, 10 South West Street, Indianapolis, Indiana 46204. The items of value that will be received by INDOT employees and special appointee attending the IMAA Winter Workshops & Trade Show include (1) registration fees, (2) food (IMAA Awards Luncheon on January 30, breakfast on January 31, and IMAA Safety luncheon on January 31), (3) drink (refreshments on January 30 and 31), and (4) services (Winter Workshops general session and Winter Workshops breakout sessions).

The \$400 in registration fees (\$375 if paid by January 12, 2018), the \$28 for the IMAA Awards Luncheon, the \$27 for the IMAA Safety Awards Luncheon, and the two-day total of \$32 for refreshments for INDOT personnel attending the IMAA Winter Workshops & Trade Show will be paid for by IMAA, which will use registration fees of its member companies as the source of payment. The value of the registration fees was listed on IMAA's web site, and the value of the luncheon and refreshments were listed in a letter dated December 7, 2017 from Robert G. Jones, Executive Director of the IMAA, to John Leckie, INDOT Statewide Materials and Tests Director. Some IMAA member companies 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.

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INDOT personnel covered by this waiver will not attend (a) any activity on January 29, or (b) the evening reception or any evening banquet meal on January 30, unless they attended such events at their own time and expense.

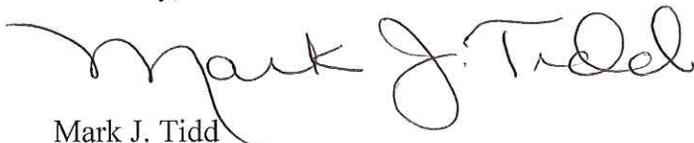
INDOT personnel covered by this waiver should not accept any other item of value from IMAA or any other person, if that person may have a business relationship with INDOT or may seek to influence an action by one or more INDOT personnel in his or her official capacity. The safest course of action is for INDOT personnel to assume that anyone in the private sector attending the IMAA Winter Workshops & Trade Show might have a business relationship with INDOT.

Some INDOT personnel are expected to participate in a presentation, and others will attend one or more educational sessions. 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.”

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the IMAA Winter Workshops & Trade Show on January 30-31, 2018, and to receive the items of value specified above, even though payment for these items is being made 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 the extent previously set forth in this letter.

If you need additional information or have any questions about this letter, please feel free to contact me at 317/232-5411 or at mtidd1@indot.in.gov.

Sincerely,



Mark J. Tidd
Prequalification Director and Ethics Officer

cc: Alison Grand, INDOT Chief Counsel
Jennifer Cooper, Indiana State Ethics Commission Director

Attachment – Exhibit A (List of INDOT Attendees)

EXHIBIT "A"

Here is the list of the 2018 IMAA Winter Workshop attendees.

Taylor, Ronald	rtaylor1@indot.in.gov
Sommer, Kurt	ksommer@indot.in.gov
Marrs, Geneva	bmarrs1@indot.in.gov
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