



# INDIANA DEPARTMENT OF TRANSPORTATION

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Indianapolis, Indiana 46204

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**Eric Holcomb, Governor**  
**Joe McGuinness, Commissioner**

December 12, 2017

INDIANA  
STATE ETHICS COMMISSION

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

DEC 12 2017

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 Employee Attending the APAI Annual Winter Conference and Trade Show on December 13-15, 2017

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. 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 Asphalt Pavement Association of Indiana, Inc. ("APAI") Annual Winter Conference and Trade Show on December 13-15, 2017.

The Annual Winter Conference and Trade Show will be held at the Indianapolis Marriott East Hotel, 7202 East 21<sup>st</sup> Street, Indianapolis, Indiana 46219. The item of value that will be received by INDOT employees attending the APAI Winter Conference include (1) registration fees, (2) food (lunch on December 14), (3) drink (refreshments), and (4) services (general sessions and breakout sessions resulting in continuing education credits, previously known as Professional Development hours).

The registration fees and the cost for continuing education credits for INDOT personnel attending the APAI Annual Winter Conference and Trade Show will be paid for by APAI, which will use registration fees of its member companies as the source of payment. Some APAI 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. The registration fees paid by any attendee include refreshments and the luncheon provided on December 14.

INDOT personnel covered by this waiver will not attend the evening Joint Cocktail Reception on December 13, 2017, or the President's Gala Reception or the evening Hall of Fame Induction ceremony and Scholarship Banquet meal on December 14, 2017, unless they attended such events or activities at their own time and expense.

Mr. James Clevenger  
December 12, 2017  
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INDOT personnel covered by this waiver will be instructed to not accept any other item of value from APAI 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 APAI Annual Winter Conference and Trade Show might have a business relationship with INDOT.

All INDOT personnel may attend the educational sessions on December 13-15, 2017, that are on the agenda attached to this letter and marked as Exhibit B. 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 APAI Annual Winter Conference and Trade Show on December 13-15, 2017, 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](mailto:mtidd1@indot.in.gov).

Sincerely,



Mark J. Tidd  
Prequalification Director and Ethics Officer

cc: Jennifer Cooper, Indiana State Ethics Commission Director  
Alison Grand, INDOT Deputy Commissioner/Chief Legal Officer

Attachments – Exhibit A (List of INDOT Attendees)  
Exhibit B (Agenda for Conference)

# EXHIBIT A

| Last        | First       | INDOT Location   | 14-Dec | 15-Dec | 16-Dec | PDH | Food Restrictions | Email Address  |
|-------------|-------------|------------------|--------|--------|--------|-----|-------------------|--|
| Anuka       | Rowland     | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:ranuka@indot.in.gov">ranuka@indot.in.gov</a>             |
| Awwad       | Nathan      | Materials & Test |        | X      |        | Y   | N                 | <a href="mailto:nawwad@indot.in.gov">nawwad@indot.in.gov</a>             |
| Beeson      | Matthew     | Materials & Test |        | X      |        | Y   | N                 | <a href="mailto:mbeeson@indot.in.gov">mbeeson@indot.in.gov</a>           |
| Blanchard   | Jacob       | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:jblanchard@indot.in.gov">jblanchard@indot.in.gov</a>     |
| Bol         | Ryan        | Fort Wayne       |        | X      |        | Y   | N                 | <a href="mailto:rbol@indot.in.gov">rbol@indot.in.gov</a>                 |
| Bost        | Darren      | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:dbost@indot.in.gov">dbost@indot.in.gov</a>               |
| Brehmer     | Wendy       | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:wbrehmer@indot.in.gov">wbrehmer@indot.in.gov</a>         |
| Bridge      | Daniel      | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:dbridge@indot.in.gov">dbridge@indot.in.gov</a>           |
| Bunselmeier | Jason       | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:jbunselmeier@indot.in.gov">jbunselmeier@indot.in.gov</a> |
| Cho         | Seonhwan    | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:scho@indot.in.gov">scho@indot.in.gov</a>                 |
| Cleland     | Matthew     | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:mcleland@indot.in.gov">mcleland@indot.in.gov</a>         |
| Colonis     | James       | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:jcolonis@indot.in.gov">jcolonis@indot.in.gov</a>         |
| Cool        | Melissa     | Fort Wayne       |        | X      |        | Y   | N                 | <a href="mailto:mterry@indot.in.gov">mterry@indot.in.gov</a>             |
| Courtney    | Kurt        | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:kcourtney@indot.in.gov">kcourtney@indot.in.gov</a>       |
| DeBurger    | Isaac       | Seymour          |        | X      |        | Y   | N                 | <a href="mailto:ideburger@indot.in.gov">ideburger@indot.in.gov</a>       |
| Donlan      | Curtis      | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:cdonlan@indot.in.gov">cdonlan@indot.in.gov</a>           |
| Edwards     | Nathan      | Fort Wayne       |        | X      |        | Y   | N                 | <a href="mailto:nedwards1@indot.in.gov">nedwards1@indot.in.gov</a>       |
| Estep       | Seth        | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:sestep@indot.in.gov">sestep@indot.in.gov</a>             |
| Eviston     | Jeana       | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:jeviston@indot.in.gov">jeviston@indot.in.gov</a>         |
| Fegan       | Roland      | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:d30fegan@indot.in.gov">d30fegan@indot.in.gov</a>         |
| Felix       | Eric        | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:efelix@indot.in.gov">efelix@indot.in.gov</a>             |
| Frederick   | Jared       | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:jfrederick@indot.in.gov">jfrederick@indot.in.gov</a>     |
| Gan         | Ling        | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:lgan@indot.in.gov">lgan@indot.in.gov</a>                 |
| Galetka     | Jason       | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:jgaletka@indot.in.gov">jgaletka@indot.in.gov</a>         |
| Goldner     | Kevin       | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:kgoldner@indot.in.gov">kgoldner@indot.in.gov</a>         |
| Goldner     | Robert      | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:rgoldner@indot.in.gov">rgoldner@indot.in.gov</a>         |
| Harris      | Jay         | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:jayharris23@indot.in.gov">jayharris23@indot.in.gov</a>   |
| Hauser      | Derrick     | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:dhauser@indot.in.gov">dhauser@indot.in.gov</a>           |
| Henderson   | Michael     | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:mhenderson1@indot.in.gov">mhenderson1@indot.in.gov</a>   |
| Hendrickson | Sean        | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:shendrickson@indot.in.gov">shendrickson@indot.in.gov</a> |
| Hinchman    | Zachary     | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:zhinchman@indot.in.gov">zhinchman@indot.in.gov</a>       |
| Hole        | Gregory     | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:ghole@indot.in.gov">ghole@indot.in.gov</a>               |
| Humphrey    | Ashton      | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:ahumphrey@indot.in.gov">ahumphrey@indot.in.gov</a>       |
| Ibrahim     | Elsadig     | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:eibrahim@indot.in.gov">eibrahim@indot.in.gov</a>         |
| Jacobs      | David       | Fort Wayne       |        | X      |        | Y   | N                 | <a href="mailto:dajacobs@indot.in.gov">dajacobs@indot.in.gov</a>         |
| Jennings    | Dustin      | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:djennings1@indot.in.gov">djennings1@indot.in.gov</a>     |
| Jilg        | Christopher | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:chjilg@indot.in.gov">chjilg@indot.in.gov</a>             |
| Kelley      | Jacob       | Crawfordsville   |        | X      |        | Y   | N                 | <a href="mailto:jkelly2@indot.in.gov">jkelly2@indot.in.gov</a>           |
| Koch        | Michael     | Fort Wayne       |        | X      |        | Y   | N                 | <a href="mailto:mkoch@indot.in.gov">mkoch@indot.in.gov</a>               |
| Leckie      | John        | Materials & Test |        | X      |        | Y   | N                 | <a href="mailto:jleckie@indot.in.gov">jleckie@indot.in.gov</a>           |
| Lee         | Ju          | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:jlee@indot.in.gov">jlee@indot.in.gov</a>                 |
| Martin      | Cartia      | Central Office   |        | X      |        | Y   | N                 | <a href="mailto:cartiamartin@indot.in.gov">cartiamartin@indot.in.gov</a> |
| May         | Todd        | Greenfield       |        | X      |        | Y   | N                 | <a href="mailto:tomay@indot.in.gov">tomay@indot.in.gov</a>               |
| Middeler    | Joseph      | Seymour          |        | X      |        | Y   | N                 | <a href="mailto:jmiddeler@indot.in.gov">jmiddeler@indot.in.gov</a>       |

# EXHIBIT A

|            |           |                  |   |   |   |   |   |  |
|------------|-----------|------------------|---|---|---|---|---|--|
| Myers      | Keith     | Greenfield       |   | X |   | Y | N | <a href="mailto:kwmyers@indot.in.gov">kwmyers@indot.in.gov</a>         |
| Naderi     | Al        | Crawfordsville   |   | X |   | Y | N | <a href="mailto:anaderi@indot.in.gov">anaderi@indot.in.gov</a>         |
| Nahrwold   | Ting      | Central Office   |   | X |   | Y | N | <a href="mailto:tnahrwold@indot.in.gov">tnahrwold@indot.in.gov</a>     |
| Nahrwold   | David     | Greenfield       |   | X |   | Y | N | <a href="mailto:anahrwold@indot.in.gov">anahrwold@indot.in.gov</a>     |
| Neilson    | Brian     | Greenfield       |   | X | X | Y | N | <a href="mailto:bnilson@indot.in.gov">bnilson@indot.in.gov</a>         |
| Nierman    | Chad      | Greenfield       |   | X |   | Y | N | <a href="mailto:d30nier@indot.in.gov">d30nier@indot.in.gov</a>         |
| Novak      | Joseph    | Crawfordsville   |   | X |   | Y | N | <a href="mailto:jnovak@indot.in.gov">jnovak@indot.in.gov</a>           |
| Ochoa      | Deon      | Greenfield       |   | X |   | Y | N | <a href="mailto:dochoa@indot.in.gov">dochoa@indot.in.gov</a>           |
| Pangallo   | Andrew    | Central Office   |   | X |   | Y | N | <a href="mailto:apangallo@indot.in.gov">apangallo@indot.in.gov</a>     |
| Pankow     | Gregory   | Central Office   |   | X |   | Y | N | <a href="mailto:gpankow@indot.in.gov">gpankow@indot.in.gov</a>         |
| Perkins    | Timothy   | Crawfordsville   |   | X |   | Y | N | <a href="mailto:tperkins@indot.in.gov">tperkins@indot.in.gov</a>       |
| Phillips   | Harley    | Central Office   |   | X |   | Y | N | <a href="mailto:hphillips@indot.in.gov">hphillips@indot.in.gov</a>     |
| Piotrowski | Andrew    | Greenfield       |   | X |   | Y | N | <a href="mailto:apiotrowski@indot.in.gov">apiotrowski@indot.in.gov</a> |
| Pippin     | Katherine | Greenfield       |   | X |   | Y | N | <a href="mailto:kpippin@indot.in.gov">kpippin@indot.in.gov</a>         |
| Prather    | Michael   | Materials & Test |   | X |   | Y | N | <a href="mailto:mprather@indot.in.gov">mprather@indot.in.gov</a>       |
| Sipes      | Scott     | Greenfield       |   | X |   | Y | N | <a href="mailto:ssipes@indot.in.gov">ssipes@indot.in.gov</a>           |
| Sowin      | Gary      | Central Office   |   | X |   | Y | N | <a href="mailto:gsowin@indot.in.gov">gsowin@indot.in.gov</a>           |
| Spreen     | Jason     | Fort Wayne       |   | X |   | Y | N | <a href="mailto:jspreen@indot.in.gov">jspreen@indot.in.gov</a>         |
| Tabassum   | Farhana   | Greenfield       |   | X |   | Y | N | <a href="mailto:ftabassum@indot.in.gov">ftabassum@indot.in.gov</a>     |
| Thompson   | Bradley   | Crawfordsville   |   | X |   | Y | N | <a href="mailto:bthompson@indot.in.gov">bthompson@indot.in.gov</a>     |
| Thornton   | Donald    | Crawfordsville   |   | X |   | Y | N | <a href="mailto:dthornton@indot.in.gov">dthornton@indot.in.gov</a>     |
| Tipton     | Fielding  | Greenfield       |   | X |   | Y | N | <a href="mailto:ftipton@indot.in.gov">ftipton@indot.in.gov</a>         |
| Underhill  | Travis    | Central Office   | X | X | X | Y | N | <a href="mailto:tunderhill@indot.in.gov">tunderhill@indot.in.gov</a>   |
| Vaughn     | Spenser   | Greenfield       |   | X |   | Y | N | <a href="mailto:svaughn1@indot.in.gov">svaughn1@indot.in.gov</a>       |
| Walker     | Clifford  | Greenfield       |   | X |   | Y | N | <a href="mailto:cwalker@indot.in.gov">cwalker@indot.in.gov</a>         |
| Weaver     | Trevor    | Greenfield       |   | X |   | Y | N | <a href="mailto:tweaver@indot.in.gov">tweaver@indot.in.gov</a>         |
| Wesley     | Michael   | Greenfield       |   | X |   | Y | N | <a href="mailto:mwesley@indot.in.gov">mwesley@indot.in.gov</a>         |
| Whitacre   | Nathaniel | Fort Wayne       |   | X |   | Y | N | <a href="mailto:nwhitacre@indot.in.gov">nwhitacre@indot.in.gov</a>     |
| Wickliff   | Jennifer  | Central Office   |   | X |   | Y | N | <a href="mailto:jwickliff@indot.in.gov">jwickliff@indot.in.gov</a>     |
| Worsley    | Kevin     | Greenfield       |   | X |   | Y | N | <a href="mailto:kworsley@indot.in.gov">kworsley@indot.in.gov</a>       |
| Wren       | Rachel    | Seymour          |   | X |   | Y | N | <a href="mailto:rwren@indot.in.gov">rwren@indot.in.gov</a>             |
| Yoder      | Colin     | Crawfordsville   |   | X |   | Y | N | <a href="mailto:cyoder1@indot.in.gov">cyoder1@indot.in.gov</a>         |

# EXHIBIT B

## WEDNESDAY, DECEMBER 13, 2017

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2:00 pm – 10:00 pm

Exhibit Hall Set Up for Vendors

2:00 pm – 3:30 pm

**APAI Board of Directors Meeting**

3:30 pm – 5:00 pm

**Committee Meetings**

Full Technical Committee

Environmental Affairs Committee

Safety Committee

Workforce Development Committee

5:00 pm – 6:15 pm

**Joint Cocktail Reception for Past Presidents, Board and Committee Members**

6:15 pm – 7:45 pm

**APAI Past Presidents, Board of Directors, and Young Leaders Dinner**

## THURSDAY, DECEMBER 14, 2017

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7:00 am – 8:45 am

**Attendee Registration/Continental Breakfast in the Exhibit Hall**

8:45 am – 9:15 am

**Welcome & Opening Remarks**

Sam Knight, APAI President, Dr. John Haddock, Indiana LTAP, and Joe McGuinness, INDOT Commissioner

9:20 – 10:10 am

**Opening Session**

Carl Potter, CSP, The Safety Institute

10:10 am – 11:10 am

**Refreshment and Networking Break in Exhibit Hall**

11:10 – 12:00 pm

**Breakout Sessions 1 (Choose one)**

- **Asphalt Paving & Laydown Track:**

*Best Practices for Achieving Smoothness*, Dale Decker PE

- **Production & Quality Control Track:**

*Simplified Approach to Preventative/Scheduled Maintenance*, TJ Young (T2TASCO)

- **Business Track:**

*Improving Organizational Productivity (Part 1)*, Dr. Matt Stevens (Stevens Day Construction Institute)

- **Agency Track:**

*Pavement Distress Identification & Troubleshooting*, Mike Huner (Huner Consulting)

12:00 pm – 1:30 pm

**APAI Awards Luncheon**

*Master of Ceremonies:* Howard Kellman, Indiana Sports Museum Hall of Fame Broadcaster

1:45 pm – 2:35 pm

**Breakout Sessions 2 (Choose one)**

- **Asphalt Paving & Laydown Track:**

*Best Practices for Asphalt Joint Construction*, Dale Decker PE

- **Production & Quality Control Track:**

*Scheduling Work Through Silos: Managing the Madness*, TJ Young (T2TASCO)

- **Business Track:**

*Improving Organizational Productivity (Part 2)*, Dr. Matt Stevens (Stevens Day Construction Institute)

- **Agency Track:**

*HMA Pavement Maintenance & Rehabilitation Strategies*, Mike Huner (Huner Consulting)

2:35 pm – 3:30 pm

**Breakout Sessions 3 (Choose one)**

- **Asphalt Paving & Laydown Track:**

*Best Practices for Cold Weather Compaction*, Dale Decker PE

- **Production & Quality Control Track:**

*Troubleshooting Asphalt Content Problems*, TJ Young (T2TASCO)

- **Business Track:**

*Are You A Project Manager or a Project Witness?*, Norb Slowikowski (Slowikowski & Associates)

- **Agency Track:**

*How to Ensure My City/County Gets What We're Paying For*, Mike Huner (Huner Consulting)

3:35 pm – 4:25 pm

**Refreshment and Networking Break in Exhibit Hall**

4:30 pm – 5:20 pm

**Closing General Session**

*The Sordid Tale of a Good Job Gone Bad...An Expensive Lesson in Asphalt Forensics*

Tim Murphy, PE (Murphy Pavement Technology)

5:30 pm – 7:00 pm

**President's Gala Reception in the Exhibit Hall**

EXHIBIT B

*APAI member companies & participating exhibit hall vendors*

7:00 pm – 9:00 pm

**Annual APAI Hall of Fame Induction Ceremony and Scholarship Banquet**

*Ticketed event*

9:00 pm

**2017 Asphalt After Party - Casino Night**

**FRIDAY, DECEMBER 15, 2017**

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7:30 am – 8:30 am

**Contractors' Networking Breakfast & APAI Annual Business Meeting**

8:30 am – 9:30 am

**General Session**

*Hot Mix Hot Buttons*

Expert Panel moderated by Tom Partipilo

9:30 am – 9:45 am

**Refreshment Break**

9:45 am – 10:45 am

**Closing General Session**

*Doing Business with INDOT in 2018: An Interactive Q&A with the Decision Makers*

INDOT Panel moderated by John Leckie, Construction & Materials Management Director

Panelists: Greg Pankow, Matt Beeson, David Holz

10:45 am

**Closing Remarks**