



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA
STATE ETHICS COMMISSION

FEB 19 2018

FILED

February 19, 2018

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

RE: Waiver of Application of 42 1-5-1 (the "Gift Rule") for Certain Items of Value That Will Be Received by INDOT Employees Attending the ACEC Engineering Excellence Awards Banquet Luncheon to Be Held on March 15, 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. I am hereby waiving application of 42 IAC 1-5-1(a) for the INDOT employees on the attached Exhibit "A" so that they may attend the ACEC Engineering Excellence Awards Luncheon to be held on March 15, 2018.

The ACEC Engineering Excellence Awards Banquet Luncheon will be held at the Indianapolis Marriott North Hotel, 3645 River Crossing Parkway, Indianapolis, IN 46240. The items of value that will be received by the INDOT employees attending the ACEC Engineering Excellence Awards Banquet Luncheon include food and drink.

The \$80 cost for each INDOT employee to attend the ACEC Engineering Excellence Awards Banquet Luncheon will be paid for by the American Council of Engineering Companies of Indiana ("ACEC"), which will use registration fees of its member companies as the source of payment. The value of the luncheon was listed on ACEC's web site. Some ACEC 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.

INDOT personnel covered by this waiver should not accept any other item of value from ACEC 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 are advised that the safest course of action is to assume that anyone in the private sector attending the ACEC Engineering Excellence Awards Luncheon might have a business relationship with INDOT.

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These INDOT personnel may participate in a presentation relating to INDOT's receipt of an Honor Award and potential INDOT receipt of the Grand Project Award, which will be announced and awarded at this event. 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 listed on the attached Exhibit "A" to attend ACEC Engineering Excellence Awards Banquet Luncheon to be held on March 15, 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,

A handwritten signature in black ink that reads "Mark J. Tidd". The signature is written in a cursive, flowing style.

Mark J. Tidd
Prequalification Director and Ethics Officer

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

EXHIBIT "A"

ACEC Indiana Requests for INDOT Attendees

for the Engineering Excellence Awards March 15 at the Marriott North Hotel

Franklin King Street Corridor Project, HWC Engineering

- Commissioner Joe McGuinness
- Travis Underhill

Rockville Road Over I-465 Emergency Superstructure Replacement, GAI Consultants, Inc.

- Jeremy Hunter

U.S. 231 J-Turn Intersections, Dale, IN, HNTB Indiana, Inc.

- Rusty Fowler
- Brian Malone

I-69 Section 4 (From Crane to Bloomington) Mitigation Services, Lochmueller Group, Inc.

- Janelle Lemon
- Steve Sperry

The Ohio River Bridges East End Crossing, Jacobs

- Trevor Mills
- Jim Stark
- Jason Bunselmeier

New Interchange at I-69 and 106th Street, United Consulting

- Runfi Shi
- Scott Sipes