



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N730  
Indianapolis, Indiana 46204

PHONE: (317) 232-5411  
EMAIL: [mtidd1@indot.in.gov](mailto:mtidd1@indot.in.gov)

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

INDIANA  
STATE ETHICS COMMISSION

APR 04 2018

April 5, 2018

FILED

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

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received by INDOT Employees Steven Kaylor and Brad Taylor Attending the Indiana Excellence in Concrete Pavement Award Luncheon on March 22, 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 INDOT employees Steven Kaylor and Brad Taylor so that they could attend the Indiana Excellence in Concrete Pavement Award Luncheon (the "Luncheon") on March 22, 2018 at the Indianapolis Marriott Hotel, 3645 River Crossing Parkway, Indianapolis, Indiana 46240.

The item of value received by these INDOT employees attending the Luncheon was a ticket to the Luncheon with a fair market value of \$43.95 per person.

These items of value for INDOT personnel attending the Luncheon will be paid for by the Indiana chapter of the American Concrete Pavement Association (the "ACPA"), which either has a business relationship with INDOT or may be seeking to influence an action by one or more of these INDOT personnel in his official capacity.

INDOT personnel covered by this waiver were instructed to not accept any other item with greater than nominal value from the ACPA (other than printed informational material).

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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 employees to have attended the Luncheon on March, 2018, and to receive the items of value specified above, even though payment for these items is being made by an entity that either has a business relationship with INDOT or which may be seeking to influence an action by one or more of these INDOT personnel in his official capacity. 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,

A handwritten signature in black ink that reads "Mark J. Tidd". The signature is written in a cursive style with a large, sweeping initial "M".

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