

SEP 27 2017



## INDIANA DEPARTMENT OF TRANSPORTATION

FILED

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**

September 27, 2017

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 That Will Be Received by INDOT Employees Attending the NSC Conference and Expo from September 23, 2017, to September 29, 2017

Dear Mr. Clevenger:

Joseph 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 INDOT Safety Division employees Angela Smith, Stephen Harmon, Jay King, Leigh Robison, TJ Brink, Terri Griffin, and James Rotzien (collectively, the "INDOT Employees") so that they may accept the free registration fee for the Exhibitor Guest Expo pass (the "Free Pass") during this conference that will be held at in the Indiana Convention Center in Indianapolis from September 23, 2017, to September 29, 2017.

The Free Pass is the only item of value that will be received by each of the INDOT Employees. There is a \$175.00 fair market value ascribed to each Free Pass on the registration information, although INDOT Statewide Safety Director Angela Smith told me that she was informed that each Free Pass actually may be provided to exhibit hall vendors without cost or with only a nominal actual cost. Attached is a registration of one of the INDOT Employees for this event.

The cost of each Free Pass, if any, will be paid for by Fastenal Company, which has a business relationship with INDOT.

The INDOT Employees covered by this waiver should not accept any other item of value from Fastenal Company or from any other person, if that person may have a business relationship with INDOT or may seek to influence an action by INDOT personnel in his official capacity. The safest course of action is for INDOT personnel to assume that anyone in the private sector attending this conference might have a business relationship with INDOT.

Mr. James Clevenger  
September 27, 2017  
Page Two

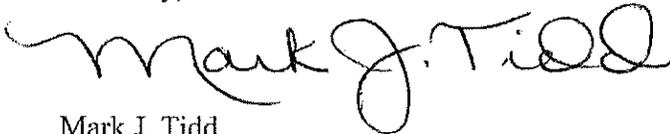
Travel, lodging, and per diem expenses are not covered by this waiver, and should be paid by the State of Indiana in accordance with its standard in-state travel policies.

The duties of these INDOT key safety personnel include investigating new safety gear, information, and technologies. 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 the INDOT Employees to attend this conference and to receive and use the Free Pass from September 23, 2017, to September 29, 2017, even though payment for these items of value 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,

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: Lori A. Torres, Inspector General  
Alison J. Grand, Deputy Commissioner and Chief Legal Officer, INDOT



241758

August 14, 2017

Registration Number : 241758

JIM ROTZIEN  
DISTRICT SAFETY DIRECTOR  
INDIANA DEPARTMENT OF TRANSPORTATION  
315 EAST BOYD BOULEVARD  
LA PORTE, IN 46350

Thank you for registering for the 2017 NSC Congress & Expo to be held September 23-29, 2017 at the Indiana Convention Center, Indianapolis.

**For expedited processing on-site, please bring this barcoded confirmation with you to the "Scan & Go" counters located in the Indiana Convention Center.**

**Note - Attendees are not allowed to bring rolling bags/suitcases on the Expo Floor. They must be checked at luggage/bag check available in the convention center.**

Please review the information below.

**REGISTRATION INFORMATION**

First Name: JIM  
Last Name: ROTZIEN  
Company Name: INDIANA DEPARTMENT OF TRANSPORTATION  
Mailing Address: 315 EAST BOYD BOULEVARD  
City: LA PORTE  
State: IN  
Postal Code: 46350  
Telephone #: (219) 3257445  
Fax: ()  
E-Mail: [jrotzien@indot.in.gov](mailto:jrotzien@indot.in.gov)  
Badge Type: EXHIBITOR GUEST EXPO ONLY NM

**REGISTRATION SUMMARY INFORMATION**

<u>Qty</u>	<u>Description</u>	<u>Price</u>	<u>Total</u>
1	EXHIBITOR GUEST EXPO ONLY NM	\$175.00	\$175.00
	Discount EXHIBITOR GUEST EXPO ONLY NM	\$-175.00	\$-175.00
	Total Amount:		\$0.00
	Total Paid:		\$0.00
	Payment Method:		
	Balance Due:		\$0.00

**VIEW / UPDATE REGISTRATION PROFILE**

[CLICK HERE](#) to access your registration to make any changes.

You can also copy the following link and paste it in your web browser to access your registration:

[https://www.compusystems.com/servlet/ar?evt\\_uid=525&login=JR3257445&pwd=241758](https://www.compusystems.com/servlet/ar?evt_uid=525&login=JR3257445&pwd=241758)

## Croft, Celeste

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**From:** Tidd, Mark  
**Sent:** Wednesday, September 27, 2017 4:18 PM  
**To:** IG Info; Cooper, Jennifer  
**Cc:** Smith, Angela M. (INDOT); Harmon, Stephen; Rotzien, James R.; King, Jay; Robison, Leigh; Brink, Tj; Griffin, Terri  
**Subject:** FW: Ethics Gift Rule Waiver - INDOT (September 2017)  
**Attachments:** 20170927161310785.pdf

9/27/17 - Attached is my executed Gift Rule waiver to allow seven (7) INDOT safety employees to accept a free registration fee/exhibit hall pass to attend the NSC Conference and Expo in Indianapolis.

Please file this waiver with your office, and then return a file-stamped copy to me. Thank you, as always, for your assistance.

Thanks,  
Mark J. Tidd  
Prequalification Director and Ethics Officer Indiana Department of Transportation  
100 North Senate Avenue - Room N730  
Indianapolis, IN 46204  
317 - 232 - 5411  
MTidd1@indot.in.gov

-----Original Message-----

**From:** scanner@indot.in.gov [mailto:scanner@indot.in.gov]  
**Sent:** Wednesday, September 27, 2017 4:13 PM  
**To:** Tidd, Mark <MTidd1@indot.IN.gov>  
**Subject:** Message from "RNP002673BFCE98"

This E-mail was sent from "RNP002673BFCE98" (MP 6503).

Scan Date: 09.27.2017 16:13:10 (-0400)  
Queries to: scanner@indot.in.gov