



INDIANA DEPARTMENT OF TRANSPORTATION

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Indianapolis, Indiana 46204

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Eric Holcomb, Governor
Michael Smith, Commissioner

November 9, 2023

Katherine Noel, 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 in Relation to the AASHTO's 2023 Annual Meeting & Expo to be held November 13, 2023, to November 16, 2023.

Chairwoman Noel:

Commissioner Michael J. Smith, 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 items of value to be received by INDOT employees Lyndsay Quist, Joel Bump, Brian Martin, Max Black, Jennifer Clark, Louis Feagans, Jeremy Hunter, Jessica Miller, Mark Bailey, Sarah Rubin, Jeff Clanton, Kristin Brier, Danielle Judin, Natalie Garrett, Jason Lowther, Todd May, Stephanie Wagner, Jon Paauwe, Steve Duncan, Gretchen West, Jim Sturdevant, Dan McCoy, Karen Hicks, Jim Poturalski, Subhi Bazlamit, Luis Laracuenta, Jessica Martin, and Mark Joseph, in relation to their attendance and volunteer service at the AASHTO's 2023 Annual Meeting & Expo. Each attendee will benefit from attendance for the reasons provided below.

The American Association of State Highway Transportation Officials' ("AASHTO") 2023 Annual Meeting & Expo will be held at the JW Marriott Indianapolis, 10 South West Street, Indianapolis, IN 46204. The AASHTO Annual Meeting, one of the transportation industry's most important conferences of the year, brings together experts from the public and private sector to share the latest in industry policy and innovation. The Annual Meeting is primarily educational in nature, with some networking opportunities. AASHTO is a nonprofit association of public transportation authorities that assists in the delivery of transportation related public services. Membership in AASHTO is limited to public entities. AASHTO works to educate the public and key decision-makers about the critical role that transportation plays in securing a good quality of life and sound economy for our nation. AASHTO serves as a liaison between state departments of transportation and the Federal government. AASHTO is an international leader in setting technical standards for all phases of highway system development. AASHTO issues standards for design, construction of highways and bridges, materials, and many other technical areas, and INDOT uses and is involved with discussions about those standards.

As Indianapolis is the host city for the 2023 Annual Meeting and INDOT is the state member from Indiana, AASHTO asked INDOT employees to aid as volunteers in the registration process for the Annual Meeting, which will include distributing registration packets, answering questions of attendees, monitoring meeting rooms, and directional information for breakout session's locations. For the Annual Meeting, each INDOT employee volunteer will receive a discounted registration fee in the amount of four hundred fifty dollars (\$450.00), (non-discounted fee is \$975.00),

breakfast and lunch meals are included in registration fee. Additionally, each employee will receive a volunteer quarter zip shirt. Estimated cost of the volunteer shirt is thirty dollars (\$30.00) per person, making the estimated total value of items received by INDOT employees in relation to the AASHTO 2023 Annual Conference approximately four hundred eighty dollars (\$480.00) per person.

The HDR, Inc. logo is imprinted on the volunteer quarter zip shirt supplied by AASHTO. Private entities, such as HDR, Inc. may contribute to AASHTO as sponsors. HDR, Inc. is an Omaha, NE Corporation, and INDOT supplier and industry partner. HDR, Inc. has an ongoing business interest in INDOT operations and contracting opportunities.

As volunteers, INDOT employees will gain the opportunity to network with peers in the industry in addition to the education they will receive at the event. The listed INDOT employees will attend all educational sessions, as well as participate in networking opportunities and product demonstrations. The attending INDOT employees will also make themselves available to answer attendee's questions about doing business with INDOT and INDOT operations. Employees will also have the opportunity to exchange technical and administrative expertise with representatives from other public transportation entities. The AASHTO Annual Meeting will, therefore, contribute to the professional development of each employee listed herein and enhance INDOT operations through the acquiring of new technical and administrative knowledge to the Department. The direction provided by employees to attendees with a business with INDOT will further enhance operations by increasing vendor understanding of INDOT work, requirements, and expectations. Accordingly, every INDOT employee who participates in the AASHTO Annual Meeting holds a position with duties that will directly benefit from their individual attendance at the event through the volunteer, educational, and networking components of the Annual Meeting.

INDOT personnel covered by this waiver were instructed to not accept any other item of value from any other person or entity if that person or entity 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. Employees were further instructed not to accept any other item at the event that will be subjected to the gift rule. INDOT personnel are regularly informed that the safest course of action at any industry event is to assume that anyone in attendance from the private sector might have a business relationship with INDOT.

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." By attending the AASHTO Annual Meeting, INDOT employees will gain valuable education concerning developments in the traffic design and engineering industry, including changing design best practices, technological advancements, and new product development. INDOT employees further will have the opportunity to build better partnerships with attendee firms that do business with the Department and educate industry members regarding INDOT operations. Attendees are also likewise able to connect with potential new suppliers and technical services vendors, who could offer improvements to INDOT's critical traffic design, engineering, and management programming.

Therefore, it is my opinion that it is consistent with the public interest for the below listed INDOT personnel to attend the AASHTO's 2023 Annual Meeting & Expo November 13, 2023, to November 16, 2023, and to receive the items of value specified above. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT employees, Lyndsay Quist, Joel Bump, Brian Martin, Max Black, Jennifer Clark, Louis Feagans, Jeremy Hunter, Jessica Miller, Mark Bailey, Sarah Rubin, Jeff Clanton, Kristin Brier, Danielle Judin, Natalie Garrett, Jason Lowther, Todd May, Stephanie Wagner, Jon Paauwe, Steve Duncan, Gretchen West, Jim Sturdevant, Dan McCoy, Karen Hicks, Jim Poturalski, Subhi Bazlamit, Luis Laracuate, Jessica Martin, and Mark Joseph, to accept a discounted registration fee inclusive of food and beverages as well as a conference volunteer quarter zip - shirt with a total estimated value of Four hundred Eighty Dollars (\$480.00) provided by AASHTO in relation to the employees' attendance and volunteer help at the AASHTO's 2023 Annual Meeting & Expo November 13, 2023, to November 16, 2023.

If you need additional information or have any questions about this letter, please feel free to contact me at (855) 463-6848 or KShelby@indot.IN.gov.

Very Respectfully Submitted,

/s/ Kate Shelby

Kate Shelby

Deputy Commissioner and Chief Legal Counsel
Indiana Department of Transportation