

INDIANA DEPARTMENT OF TRANSPORTATION

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Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Michael J. Smith, Commissioner

December 12, 2024

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 That Have Been Received by INDOT Employees for the APAI Annual Winter Conference and Expo 2024 on December 11-13, 2024.

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 the INDOT employees identified on the attached Exhibit A, who attended the APAI Annual Winter Conference and Expo 2024 ("APAI Conference") on December 11-13, 2024. Each attendee benefited from attendance for the reasons provided below.

The APAI Conference was held at the Muncie Horizon Convention Center, 401 S. High Street, Muncie, Indiana 47305. The item(s) of value received by INDOT employees attending the APAI Conference included registration fees and lunch meals. The registration fees had a value of Four Hundred Dollars (\$400.00) per person. Each lunch had an approximate value of Forty Dollars (\$40.00), for a total gift value of Four Hundred Forty Dollars (\$440.00) per person.

The costs of the registration fees and lunch were covered by APAI. Several of the member-companies that attended the APAI Conference and paid the dues from which INDOT's expenses were covered 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 were instructed to not accept any other item of value from 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 was informed that the safest course of action is to assume that anyone in the private sector attending the APAI Conference might have a business relationship with INDOT.

The APAI Conference was primarily educational in nature, with some networking opportunities as well. The listed INDOT employees attended all educational sessions, as well as participated in networking opportunities. Several employees gave presentations during the educational components of the conference and were available to answer attendee's questions about doing business with INDOT, and INDOT operations.

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ETHICS COMMISSION

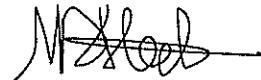
The individuals who attended the event, as identified in Exhibit A, are in the construction department or similar positions within central office or the INDOT districts, all of which have contact with asphalt contractors, or otherwise assist in the delivery of construction projects involving such contractors or other stakeholders who were in attendance at the event. The professional services of these individuals were enhanced by learning about evolving means and methods in the asphalt paving industry, and from exchanging ideas with industry stakeholders in attendance. Even those individuals not specializing in asphalt related work within the Department benefited from such opportunities, as project delivery requires a holistic understanding of construction requirements. Accordingly, every attendee listed in Exhibit A is in a position with the Department that benefited from attendance, both through the educational and networking components of the 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." By attending the APAI Conference, INDOT employees were educated concerning developments in the asphalt and pavement industry, including construction means and methods. INDOT employees had the opportunity to build better partnerships with attendee firms that do business with the Department and educate industry members regarding INDOT operations.

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the APAI Conference on December 11-13, 2024, and to receive the items of value specified above, even though payment for these items is being made from dues paid 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 allow INDOT to accept registration fees and lunch meals for the APAI Conference, with a total value of Four Hundred Forty Dollars (\$440.00) per person.

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 719-6624 or msteele@indot.in.gov.

Sincerely,



Michele D. Steele
Ethics Officer
Indiana Department of Transportation

EXHIBIT A

From: Jaymie Hunkler
To: Beeson, Matthew; Awwad, Nathan E.
Cc: Kirsten Fowler
Subject: Current List of INDOT attendees registered for APAI Winter Conference
Date: Tuesday, December 3, 2024 11:20:59 AM
Attachments: Image001.png
 Image002.png
 Image003.png

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

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Fielding	Tipton
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