



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Phone: 317 232-5095

Eric Holcomb, Governor

Room N725

Joe McGuinness, Commissioner

FILED

December 12, 2023

DEC 12 2023

INDIANA STATE
ETHICS COMMISSION

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 Registration Fees Received by INDOT Employees Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel for the Indianapolis Chapter of Women in Transportation Awards Gala on November 9, 2023.

Chairperson 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) in relation to INDOT Employees, Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel, attendance at the Indianapolis Chapter of Women in Transportation Awards Gala on November 9, 2023. The aforementioned INDOT employee's attendance was sponsored by INDOT vendor RQAW. The attendee will benefit from attendance for the reasons provided below.

The Indianapolis Chapter of Women in Transportation Awards Gala was held at Indianapolis Arts Garden, 110 West Washington Street, Indianapolis, IN 46204. INDOT Employees Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel were not required to pay to attend the event, but rather were invited to sit at the table sponsored by RQAW at a total cost of seven hundred and fifty dollars (\$750.00). A total of six (6) attendees at \$125 per employee, cost included event ticket and meal. No other items of value were gifted to the INDOT employees, and they were instructed not to accept any item offered.

The Indianapolis Chapter of Women in Transportation Awards Gala is primarily a networking event and a celebration of the private-public partnerships underlying successful transportation infrastructure projects delivered during 2023. It is further an opportunity to celebrate the critical role that women play in the design and construction of Indiana roads, both on the private side and within the ranks of INDOT. Women in Transportation is one of a handful of organizations dedicated to promoting female participation in road construction, a mission in which INDOT has a particular interest as a major industry stakeholder and public-service entity. In the agency's latter role as public sector leader, increasing the participation of a large, underrepresented segment of the state's population is very important to building a 21st century economy.

As such, the participation of INDOT personnel in events such as the Indianapolis Chapter of Women in Transportation Awards Gala, is hugely beneficial to driving gender equity in delivering road construction projects in the Hoosier State. INDOT Employees Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel's attendance at the Gala further served to ensure that INDOT had representation at the event, to strengthen relationships with critical stakeholders, connect with industry leaders who happen to be women, and answer questions concerning and otherwise speak to INDOT capital planning and operations. A waiver of the gift rule to allow INDOT Employees Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel to accept event registration worth one hundred twenty-five dollars per person (\$125.00) for a total of seven hundred and fifty dollars (\$750) is therefore very much in the public interest under the circumstances set forth above.

Furthermore, beyond networking and economic modernization, the Indianapolis Chapter of Women in Transportation Awards Gala also served to introduce and explain new and innovative construction and design methodologies utilized in recently completed projects. 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 Gala, the aforementioned INDOT employees were educated concerning developments in the transportation infrastructure industry, including new products, design and construction methods, and best practices in project management.

Therefore, it is my opinion that it is consistent with the public interest for the referenced INDOT personnel to attend the Indianapolis Chapter of Women in Transportation Awards Gala on November 9, 2023, and to receive the item of value specified above, even though payment for this item is being made by RQAW, an entity that has a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT Employees Debbie Calder, Jessica S. Miller, Sarah Rubin, Karen Arnold, Jessica Miller, and Kaitlyn McDaniel to accept registration fees for the Indianapolis Chapter of Women in Transportation Awards Gala pursuant to the details set forth herein.

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.

Sincerely,



Kate Shelby
Deputy Commissioner and
Chief Legal Counsel
Indiana Department of Transportation