



# INDIANA DEPARTMENT OF TRANSPORTATION

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Michael R. Pence, Governor  
Brandye L. Hendrickson,  
Commissioner

INDIANA  
STATE ETHICS COMMISSION

FEB 1 2016

FILED

February 1, 2016

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 and Special Appointee Attending the IMAA Winter Workshops & Trade Show to be Held on February 1-3, 2016

Dear Mr. Clevenger:

Brandye Hendrickson, 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 on the list that is attached to this letter and marked as Exhibit A so that they may attend the Indiana Minerals Aggregates Association ("IMAA") Winter Workshops & Trade Show on February 2, 2015.

The IMAA Winter Workshops & Trade Show will be held at the JW Marriott Hotel, 10 South West Street, Indianapolis, Indiana 46204. The items of value that will be received by INDOT employees and special appointee attending the IMAA Winter Workshops & Trade Show include (1) registration fees, (2) food (IMAA Awards Luncheon on February 2), (3) drink (refreshments on February 2), and (4) services (Winter Workshops general session and Winter Workshops breakout sessions).

The \$215 in registration fees (\$200 if paid by December 18, 2015), the \$27 for the luncheon, and the \$15 for refreshments for INDOT personnel attending the IMAA Winter Workshops & Trade Show will be paid for by IMAA, which will use registration fees of its member companies as the source of payment. The value of the registration fees was listed on IMAA's web site, and the value of the luncheon and refreshments were listed in a letter dated December 18, 2015 from Robert G. Jones, Executive Director of the IMAA, to John Leckie, INDOT Statewide Materials and Tests Director. Some IMAA member companies 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 covered by this waiver will not attend (a) any activity on February 1, (b) the evening reception or evening banquet meal on February 2, or (c) the breakfast, luncheon or any Winter Workshops on February 3, unless they attended such events at their own time and expense.

INDOT personnel covered by this waiver will be instructed to not accept any other item of value from IMAA or 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 will be informed that the safest course of action is to assume that anyone in the private sector attending the IMAA Winter Workshops & Trade Show might have a business relationship with INDOT.

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Some INDOT personnel are expected to participate in a presentation, and others will attend one or more educational sessions. 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 personnel to attend the IMAA Winter Workshops & Trade Show on February 2, 2015, and to receive the items of value specified above, even though payment for these items 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,



Mark J. Tidd  
Prequalification Director, Attorney, and Ethics Officer

cc: Jennifer Cooper, Indiana State Ethics Commission Director  
Lori A. Torres, Deputy Commissioner and Chief Legal Officer, INDOT

Attachment – Exhibit A (List of INDOT Attendees)

EXHIBIT A

PARTI_NAME	CONTACT_NUMBER	EMAIL	DISTRICT_NAME
Barnsbee Alex	3174673407	abarnsbee@indot.in.gov	Greenfield
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