



INDIANA DEPARTMENT OF TRANSPORTATION

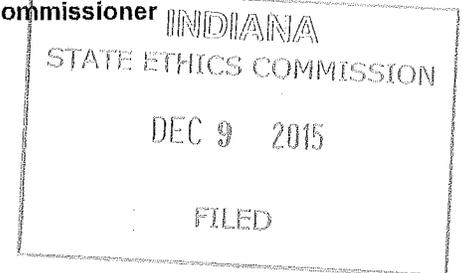
100 North Senate Avenue
Room N730
Indianapolis, Indiana 46204

PHONE: (317) 232-5411
EMAIL: mlidd1@indot.in.gov

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

December 9, 2015

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 APAI Winter Conference on December 10, 2015

Dear Mr. Clevenger:

Brandye L. 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 and special appointee on the list that is attached to this letter and marked as Exhibit A so that they may attend the Asphalt Pavement Association of Indiana, Inc. ("APAI") Winter Conference on December 10, 2015.

The APAI Winter Conference will be held at the Marriott East Hotel, 7202 East 21st Street, Indianapolis, Indiana 46219. The items of value that will be received by INDOT employees and special appointee attending the APAI Winter Conference include (1) registration fees, (2) food (breakfast and luncheon), (3) drink (refreshments), and (4) services (general sessions and breakout sessions resulting in continuing education credits, previously known as Professional Development Hours).

The \$160 in single-day registration fees and the \$15 for continuing education credits for INDOT personnel attending the APAI Winter Conference will be paid for by APAI, which will use registration fees of its member companies as the source of payment. Some APAI 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. The registration fees paid by any attendee include the breakfast, luncheon, and refreshments provided on December 10.

INDOT personnel covered by this waiver will not attend the evening President's Gala Reception or the evening Hall of Fame Induction Ceremony and Scholarship Banquet meal on December 10, or any of the events or activities at the APAI Winter Conference on either December 9 or December 11, unless they attended such events or activities at their own time and expense.

Mr. James Clevenger
December 9, 2015
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INDOT personnel covered by this waiver will be instructed to not accept any other item of value from APAI 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 APAI Winter Conference might have a business relationship with INDOT.

INDOT Commissioner Brandye L. Hendrickson has been invited to present opening remarks to the APAI Conference on December 10. Some INDOT personnel may participate in a presentation, and all 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 APAI Winter Conference on December 10, 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.

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)

ATTENDEES FOR 12/10/15 APAE WINTER CONFERENCE

PART_PS_ID	PARTI_NAME	CONTACT_NUMBER	EMAIL
10000015937	Anuka Rowland	3174673450	ranuka@indot.in.gov
10000251231	Awwad Nathan	3176107251	nawwad@indot.in.gov
10000014921	Bales Donald	2604849541	dbales@indot.in.gov
10000014923	Bauermeister Brian	2609698247	bbauermeister@indot.in.gov
10000206745	Buening Michael	3172325242	mbuening@indot.in.gov
10000283818	Casey Jeremy	7653615215	jcasey@indot.in.gov
10000214173	Clayborn Richard	3174673450	d30clayb@indot.in.gov
10000018109	Colglazier Maricor	8125243968	mcolglazier@indot.in.gov
10000015976	Colonis James	3174673964	jcolonis@indot.in.gov
10000289311	Dagley Douglas	3174673963	ddagley@indot.in.gov
10000014912	Dahman Robert	2609698238	rdahman@indot.in.gov
10000244193	Dallas David	8128957380	ddallas@indot.in.gov
10000013270	Dave Kumar	3172335279	kdave@indot.in.gov
10000211484	DeBurger Isaac	8125243741	ideburger@indot.in.gov
10000225067	Egler-Kellems Lisa	3172345726	legler-kellems@indot.in.gov
10000015930	Fegan Roland	3174673449	d30fegan@indot.in.gov
10000012935	Flora William	3172331060	wflora@indot.in.gov
10000016615	Garrett Nathan	7657169942	ngarrett@indot.in.gov
10000015924	Goldner Robert	3174673410	rgoldner@indot.in.gov
10000217197	Harris Dwayne	7654631521	dwharris@indot.in.gov
10000014010	Harris Jay	7653625215	jayharris@indot.in.gov
10000304613	Hole Gregory	7653615215	ghole@indot.in.gov
10000013433	Holtz David	3172340410	dholtz@indot.in.gov
10000221671	Jacobs David	2609698306	dajacobs@indot.in.gov
10000236129	Ji Richard	7654631521	yji@indot.in.gov

ATTENDEES FOR 12/10/15 APAI WINTER CONFERENCE

10000018007	Jones Joseph	8125243931	jjones@indot.in.gov
10000014898	Keefer Thomas	2604849541	tkeefee@indot.in.gov
10000225017	Langmaid John	2604849541	jlangmaid@indot.in.gov
10000246707	Lee Ju	7654631521	jlee@indot.in.gov
10000219764	Lowther Jason	8125243758	jlowther@indot.in.gov
10000286774	Middeler Joseph	8125243736	jmiddeler@indot.in.gov
10000204007	Mooney Molly	2193257534	mmooney@indot.in.gov
10000015789	Moore Christopher	3174673483	cmoore@indot.in.gov
10000222522	Myers Keith	3179459940	kwmyers@indot.in.gov
10000015925	Nierman Chad	3174673450	d30nier@indot.in.gov
10000013380	Patel Pankaj	3172325227	papatel@indot.in.gov
10000015932	Polster Jon	3174673450	jpolster@indot.in.gov
10000015975	Prather Michael	3176107251	mprather@indot.in.gov
10000202865	Scamihorn Benjamin	8122327921	bscamihorn@indot.in.gov
10000013790	Shields David	3172334726	tshields@indot.in.gov
10000014001	Sipes Scott	3174673450	ssipes@indot.in.gov
10000013990	Smith Charles	2603997335	csmith2@indot.in.gov
10000014910	Somerlott David	2609698303	dsomerlott@indot.in.gov
10000013826	Sommer Kurt	7653615625	ksommer@indot.in.gov
10000216346	Spreen Jason	2604849541	jspreen@indot.in.gov
10000016054	Streib Daniel	3174673450	dstreib@indot.in.gov
10000298540	Tally Robert	3172348384	rtally@indot.in.gov
10000286855	Terry Melissa	2604849541	mterry@indot.in.gov
10000211976	Tipton Fielding	3174673450	ftipton@indot.in.gov
10000241312	Young Autumn	3172325346	ayoung@indot.in.gov

also Hendrickson, Brandye - INDOT Commissioner

Flynn, Joann

From: Flynn, Joann
Sent: Thursday, December 10, 2015 9:48 AM
To: Tidd, Mark
Subject: RE: Ethics Gift Rule Waiver for Attendance at 12/10/15 APAI Winter Conference

That is fine Mark. I'll put it with the waiver. Thanks, Joann

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

From: Tidd, Mark
Sent: Thursday, December 10, 2015 9:47 AM
To: Flynn, Joann
Cc: Spreen, Jason
Subject: FW: Ethics Gift Rule Waiver for Attendance at 12/10/15 APAI Winter Conference

12/10/15 - Joann,

Yesterday, I sent you for filing a written ethics waiver related to certain INDOT employees attending the APAI Winter Conference. Subsequently, I received the email below that asks for Nate Whitacre to be added to the list of employees in Exhibit A attached to the letter.

I assume that the best way to handle this is simply for your office to keep this email chain with that ethics waiver. If there is something else that I need to do, please let me know.

Thanks,
Mark J. Tidd
Prequalification Director, Attorney, 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: Spreen, Jason
Sent: Thursday, December 10, 2015 8:08 AM
To: Tidd, Mark
Subject: Re: Ethics Gift Rule Waiver for Attendance at 12/10/15 APAI Winter Conference

Nate Whitacre will be attending today. Please add him to the waiver.

Thanks,

Jason J. Spreen
INDOT FW Construction Director
5333 Hatfield Road
O:260-969-8245 or C:260-450-3324

> On Dec 9, 2015, at 3:24 PM, Tidd, Mark <MTidd1@indot.IN.gov> wrote:

>
> 12/09/15 - Attached is a letter dated December 9, 2015 that I intend to deliver to James Clevenger (Chair, State Ethics Commission) and to Jennifer Cooper (Director, State Ethics Commission). This letter waives the Gift Rule restrictions found in the ethics rules so that certain INDOT personnel can attend the APAI Winter Conference on December 10, 2015 without

paying registration fees, continuing education credit fees, or the cost of breakfast and lunch.

>

> You are receiving this email because you are one of the approved attendees for the APAI Winter Conference on that date. Please review the attached letter for the limitations of the waiver, particularly these two paragraphs:

>

> "INDOT personnel covered by this waiver will not attend the evening President's Gala Reception or the evening Hall of Fame Induction Ceremony and Scholarship Banquet meal on December 10, or any of the events or activities at the APAI Winter Conference on either December 9 or December 11, unless they attended such events or activities at their own time and expense."

>

> "INDOT personnel covered by this waiver will be instructed to not accept any other item of value from APAI 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 APAI Winter Conference might have a business relationship with INDOT."

>

> If any of you have a question about the attached letter or need additional information, please let me know.

>

> Thanks,

> Mark J. Tidd

> Prequalification Director, Attorney, 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: mail@dot.in.gov [<mailto:mail@dot.in.gov>]

> Sent: Wednesday, December 09, 2015 2:54 PM

> To: Tidd, Mark

> Subject: Message from "RNP3729E5"

>

> This E-mail was sent from "RNP3729E5" (Aficio MP 6001).

>

> Scan Date: 12.09.2015 14:53:47 (-0500) Queries to: mail@dot.in.gov

> <20151209145347515.pdf>