

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N725

Phone: 317 232-5095

Eric Holcomb, Governor

Michael J. Smith, Commissioner

April 26, 2024

FILED

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**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 dinner to be received by INDOT Employee, Steve Mcavoy, for the 2024 Construction Advancement Foundation – NW Indiana Business Round Table Awards Banquet ("CAF-NWIBRT") on May 9, 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) in relation to INDOT employee, Steve Mcavoy, in relation to his attendance at the CAF-NWIBRT Awards Banquet on May 9, 2024. The aforementioned INDOT employee's attendance is being sponsored by INDOT vendor, Hasse Construction. The attendee will benefit from attendance for the reasons provided below.

The CAF-NWIBRT Awards Banquet will be held at the Avalon Banquet Center, 3550 E Lincoln Hwy, Merrillville, IN 46410. INDOT employee, Steve Mcavoy, is not required to pay to attend the event, but rather is being invited to sit at the table sponsored by Hasse Construction, a construction contractor that currently does business with INDOT at a total cost of one thousand dollars (\$1,000.00). A total of ten (10) attendees at \$100 per attendee, which includes an event ticket and meal. Hasse Construction is paying \$100 for INDOT employee, Steve Mcavoy, to attend. No other items of value are being given to Steve Mcavoy, and he has been instructed not to accept any item offered.

INDOT personnel covered by this waiver were instructed not to 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. 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.

Hasse Construction has ongoing business interests in INDOT operations and contracting opportunities. Hasse Construction provides preconstruction, design/build, construction management, and general contracting services. Hasse Construction worked on the following INDOT project: Kankakee Welcome Center.

The Northwest Indiana Business RoundTable (NWIBRT) is an independent, non-profit council of local firms committed to the improvement of construction and maintenance projects in Northwest

Indiana. Its purpose is to promote safety, quality, and cost-effective solutions to challenges faced by owners, contractors, and labor in the region. NWIBRT provides a number of ongoing forums in which peers and colleagues can meet to share information and discuss items of mutual interest, such as job site safety, training, conductivity, project management, productivity, labor relations, and facility maintenance. The RoundTable offers frequent seminars, professional development opportunities, and special presentations featuring both national experts and local leadership. It also acts as an information service which assembles and distributes pertinent information to its members and subscribers about regional manpower needs and availability projections, items of general interest, and minutes of meeting proceedings.

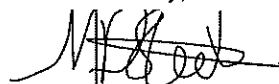
The 2024 CAF/NWIBRT Awards Banquet is primarily a networking event and a celebration of the private-public partnerships underlying successful transportation infrastructure projects delivered during 2023. It is further an opportunity to give companies the occasion to be recognized for their commitment to nothing less than safety excellence in their operations. The Northwest Indiana Business RoundTable (NWIBRT) is one of a handful of organizations dedicated to promoting the improvement of construction maintenance projects to ensure safety, quality, and cost effective solutions to challenges faced within the region, a mission in which INDOT has a particular interest as a major industry stakeholder and public-service entity.

As such, the participation of INDOT personnel in events such as the CRT-NWIBRT Awards Banquet, is hugely beneficial to ensure that INDOT has representation at the event since the award is related to an INDOT project, to strengthen relationships with critical stakeholders, connect with industry leaders, and answer questions concerning and otherwise speak to INDOT capital planning and operations. A waiver of the gift rule to allow Steve Mcavoy to accept event registration worth one hundred dollars per person (\$100.00) is therefore very much in the public interest under the circumstances set forth above.

Therefore, it is my opinion that it is consistent with the public interest for Steve Mcavoy, the referenced INDOT personnel, to attend CRT-NWIBRT Awards Banquet on May 9, 2024, and to receive the item of value specified above, even though payment for this item is being made by Hasse Construction, 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 employee, Steve Mcavoy to accept registration fees for the CRT-NWIBRT Awards Banquet 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 (317) 719-6624 or msteele@indot.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Steele', with a horizontal line extending to the right.

Michele Steele
Ethics Officer
Indiana Department of Transportation