



INDIANA DEPARTMENT OF TRANSPORTATION

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Indianapolis, Indiana 46204

Phone: 317 232-5095

Michael Braun, Governor
Kent Abernathy, Commissioner

FILED

February 26, 2025

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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 Certain Items of Value That Have Been Received by an INDOT Employee for the ATSSA Annual Convention and Traffic Expo 2025 on February 28,-March 4, 2025.

Commissioner Kent Abernathy, 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 Mischa Kachler, Work Zone Safety Supervisor, and John McGregor, Director, Traffic Operations, so that they may accept a scholarship to attend the American Traffic Safety Services Association ("ATSSA") Annual Convention and Traffic Expo ("ATSSA Expo") February 28-March 4, 2025.

The ATSSA Expo will be held at the Orange County Convention Center in Orlando, Florida (9800 International Drive, Orlando, FL 32819). The INDOT employees' registrations fee and travel expenses, including transportation, meals, and hotel, will be paid by the American Traffic Safety Services Association. The amount per person is approximately Two Thousand Dollars (\$2,000.00) per person for a total of amount of Four Thousand Dollars (\$4,000.00) for both employees. The scholarship specifically includes the following items of value: (a) travel (\$900); (b) lodging (\$1,236.00); (c) registration (\$150); and food (\$300).

ATSSA is a trade association representing the roadway safety infrastructure industry, focused on providing safety training and certification to stakeholders, while working to identify and solve road safety issues through member and stakeholder partnering. Membership in ATSSA is comprised of private companies and other entities participating in the roadway safety industry, including firms that have a business relationship with the Indiana Department of Transportation ("INDOT"). The scholarship awarded to Mischa Kachler will be funded by member dues and event sponsorships. It is possible that the scholarship will be funded in part by the dues and sponsorship dollars of companies that have a business relationship with INDOT or may otherwise seek to influence Department decision making.

42-IAC 1-1-1(a) prohibits Department employees from accepting food, drinks, registration fees, and travel expenses from a person with whom INDOT has a business relationship. Because INDOT has a business relationship with some ATSSA members and sponsors, Department employees cannot accept such items of value paid for by ATSSA without obtaining a waiver under 42 IAC 1-5-1(c).

The ATSSA Expo is primarily educational in nature, with some networking opportunities. Mischa Kachler and John McGregor, Mischa's manager, will attend educational sessions, as well as networking events. Both employees will also be available to answer attendees' questions about doing business with INDOT and INDOT operations. The employees will exchange technical and administrative expertise with representatives from other public transportation entities, private companies, and other technical experts regarding traffic safety. The ATSSA Expo therefore contributed to the professional development of both Mischa Kachler and John McGregor and thereby enhancing INDOT operations through the transmission of

new technical and administrative knowledge to the Department. The direction provided by Mischa Kachler and John McGregor to attendees with a business with INDOT further enhanced Department operations by increasing vendor understanding of INDOT work, requirements, and expectations.

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 ATSSA Expo, the participating INDOT employees will be educated concerning developments in the roadway safety industry, including innovative means and methods regarding traffic control and safety. The INDOT employees further will build upon professional partnerships with attendee firms that do business with the Department and can gather information about the best practices of other public transportation agencies in attendance.

Therefore, it is my opinion that it is consistent with the public interest for these INDOT employees to attend the ATSSA Annual Convention and Traffic Expo 2025, which has a total of Four Thousand Dollars (\$4,000.00). Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) with regard to Mischa Kachler and John McGregor’s acceptance of the above enumerated items of value from the American Traffic Safety Services Association to attend the ATSSA Annual Convention and Traffic Expo 2025 on February 28-March 4, 2025, in Orlando, Florida.

To prevent any other issues arising under the gift rule, the signed ethics officer instructed both employees not to accept any other item of value from an attendee of the ATSSA Expo. To ensure the gift rule is not violated, both employees were directed to assume all attendees have a business relationship with INDOT or may attempt to influence official decision making.

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 591- or msteele@indot.in.gov.

Sincerely,

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

Michele D. Steele
Ethics Officer
Indiana Department of Transportation