



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA
STATE ETHICS COMMISSION

JUN 08 2017

FILED

June 8, 2017

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 Prakash Patel and Lalit Garg Attending the Conference on Roadway Lighting from July 17, 2017, to July 19, 2017

Dear Mr. Clevenger:

Joseph McGuinness, 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 INDOT employees Prakash Patel and Lalit Garg so that they may accept the free breakfasts and free luncheons during this conference that is part of the conference hosted by General Electric Company ("GE") on roadway lighting that will be held at GE's facility in Henderson, North Carolina, from July 17, 2017, to July 19, 2017.

The items of value that will be received by this INDOT employee include food and drink at breakfast and lunch occurring on July 18, 2017, as well as breakfast and lunch occurring on July 19, 2017.

The cost of these meals will be paid for by GE. GE and some other companies present at this conference and these meals 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.

Travel and lodging expenses are not covered by this waiver. If either or both of these INDOT employees intend to attend the conference dinner on July 17, 2017 (at Pack's Tavern) or on July 18, 2017 (at Nightbell), they must do so at their own expense.

INDOT personnel covered by this waiver should not accept any other item of value from GE or any other person, if that person may have a business relationship with INDOT or may seek to influence an action by INDOT personnel in his official capacity. The safest course of action is for INDOT personnel to assume that anyone in the private sector attending the GE conference and these meals might have a business relationship with INDOT.

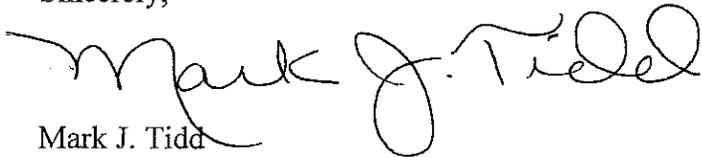
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The duties of these INDOT personnel include investigating new highway lighting technologies. Indiana Code 8-23-2-4.1(4)(A) provides that INDOT is responsible for the “construction, reconstruction, improvement, maintenance, and repair of (state) highways” 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 two INDOT personnel to attend the breakfasts and luncheons during the conference on July 18, 2017 and on July 19, 2017, 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,

A handwritten signature in black ink that reads "Mark J. Tidd". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark J. Tidd
Prequalification & Permits Director and Ethics Officer

cc: Lori A. Torres, Inspector General
Alison J. Maloof, Deputy Commissioner and Chief Legal Officer, INDOT