



100 North Senate Avenue
Room N725
Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Joe McGuinness, Commissioner

March 28, 2022

Katherine Noel, Chair
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202

INDIANA
STATE ETHICS COMMISSION

MAR 28 2022

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received by INDOT Employees in Relation to the 2022 World Steel Bridge Symposium on March 23-25, 2022.

Chairperson Noel:

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) for INDOT employee Donald A. Shaw III, P.E. in relation to his attendance at the 2022 World Steel Bridge Symposium (the "Symposium") on March 23-25, 2022. Employee Donald A. Shaw III, INDOT Senior Bridge Engineer, benefited from attendance for the reasons provided below.

The Symposium was hosted by the American Institute of Steel Construction ("AISC") and held at the Colorado Convention Center, 700 14th Street, Denver, Colorado 80202 on March 23-25, 2022. AISC provided Mr. Shaw a full scholarship for the event, including the following items of value: three (3) nights at Le Meridien Hotel (\$782); airfare (\$465); and event registration (\$765). The total value of items received by employee Donald A. Shaw III in relation to the Symposium was Two Thousand Twelve Dollars (\$2,012). The registration fees include the cost of food and beverage offered at the event, as well as the value of continuing education credits received through attendance at professional development sessions during the conference.

As introduced, the scholarship was paid for by the American Institute of Steel Construction, a group funded in part by membership dues paid by INDOT vendors. The AISC also has a potential interest in influencing INDOT operations as a transportation infrastructure industry association. Some of the member-companies that sponsor the World Steel Bridge Symposium, and/or pay regular membership dues that fund such AISC events, have a business relationship with INDOT, or may otherwise have a business interest in seeking to influence INDOT attendees in their official capacity.

INDOT personnel covered by this waiver were instructed not to accept any other item of value from 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 are also 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.

The World Steel Bridge Symposium is primarily educational in nature, with some networking opportunities as well. INDOT employee Donald A. Shaw III attended educational sessions, as well as participating in networking opportunities. The employee also participated in product demonstrations. Mr. Shaw was answered attendees' questions about doing business with INDOT and INDOT operations.

Donald A. Shaw III is a Senior Bridge Engineer for INDOT. In that role, Mr. Shaw leads multiple facets of bridge design and maintenance, which requires him to be well versed in the latest industry developments in the realms of bridge schematics, erection, and materials. Furthermore, Mr. Shaw's role requires him to maintain strong relationships with industry partners, including private design and construction companies, material suppliers, and trade associations. As one of the largest bridge associations in the world, AISC is a critical partner for INDOT. Mr. Shaw's role with

INDOT and the projects that he has led in this role were the impetus for AISC to offer the employee a full scholarship to attend the Symposium. His knowledge and experience were valued by the association such that his participation in their seminal event was solicited directly and paid for from AISC operational funds.

The professional services provided by the attendee for INDOT were enhanced by learning about evolving means and methods in the bridge design and construction industry, and from exchanging ideas with industry stakeholders in attendance. Even individuals not specializing in bridge related work within the Department benefit from such opportunities, as project delivery requires a holistic understanding of construction requirements. Accordingly, Donald A. Shaw III is in an undeniable position with the Department to benefit from attendance at the Symposium, both through the educational and networking components of the event.

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 World Steel Bridge Symposium, the INDOT employee was educated concerning developments in the bridge design and construction industry, including construction means and methods, latest material developments, and cutting-edge projects from around the globe. INDOT employee Donald A. Shaw III further had the opportunity to build better partnerships with attendee firms that do business with the Department and educate industry members regarding INDOT operations.

Therefore, it is my opinion that it is consistent with the public interest for INDOT Senior Bridge Engineer Donald A. Shaw III to have attended the 2022 World Steel Bridge Symposium on March 23-25, 2022, and to receive the items of value specified above, even though payment for these items was made from dues paid by entities that may have a business relationship with INDOT, and otherwise from the general fund of an industry association group (American Institute of Steel Construction) with an interest in INDOT operations. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT to accept the following items, with a total value of Two Thousand Twelve Dollars (\$2,012): three (3) nights at Le Meridien Hotel (\$782); airfare (\$465); and Symposium registration (\$765).

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 234-2115 or chserak@indot.in.gov.

Very Respectfully Submitted,

/s/: Christopher Bradley Serak

Christopher B. Serak,
Director of Prequalification &
Construction Compliance
Ethics Officer
Indiana Department of Transportation