

INDIANA
STATE ETHICS COMMISSION

DEC 20 2018



**ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING**
State Form 56800 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

FILED

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

| | | |
|--|--|-------------------------------------|
| Name (last) Earl | Name (first) James, II | Name (middle) Allen |
| Name of office or agency Indiana Department of Transportation | | Job title Senior Project Manager |
| Address of office (number and street) 100 North Senate Avenue | | City Indianapolis |
| | | ZIP code 46204 |
| Office telephone number (317) 233-2072 | Office e-mail address (required) jearl@indot.IN.gov | |

Describe the conflict of interest:
I am currently a Senior Project Manager for INDOT Innovative Project Delivery. On December 13, 2018, I became aware of a potential conflict of interest related to employment negotiations I have entered with CDM Smith, Inc., a consultant with a business relationship with INDOT. In my role as Senior Project Manager, I helped develop contract number OT180701a, including scoring interested consultants. CDM Smith was recently awarded work under contract OT180701a as a subconsultant. I am not assigned to administer the subconsultant contract with CDM Smith under OT180701a, and I have not otherwise administered any contracts with CDM Smith. However, because I have entered employment negotiations with CDM Smith, and plan to work for the company, I can no longer participate in any decision or vote, or matter related to such a decision or vote, in which CDM Smith has a financial interest. My participation in the same would represent a potential decisions and voting conflict under IC 4-2-6-9. This potential conflict with CDM Smith is being disclosed by virtue of this notice less than 7 days after learning of the potential conflict of interest on December 13, 2018, by virtue of the advise and direction of INDOT's ethics officer.

This disclosure was provided to my appointing authority as an INDOT employee, Commissioner Joe McGuinness, as documented by the attached Exhibit A, provided as part of this disclosure pursuant to IC 4-2-6-9(b)(2)(D).

Describe the screen established by your ethics officer. (Attach additional pages as needed.)

I signed a formal screen from INDOT, prohibiting my participation in any decision or vote in which CDM Smith, Inc.

has a financial interest. The screen provides I shall not participate in any decision or vote in which the firm has a financial interest, including any vote or decision related to the subconsultant contract awarded to CDM Smith under OT180701a.

The screen prevents me from administering or supervising the administration of any existing or future INDOT contract or subcontract awarded to CDM Smith, Inc.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed (month, day, year)

Printed full name of state officer, employee or special state appointee
James Allen Earl, II

12/14/2018

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Date signed (month, day, year)

Printed full name of ethics officer
Christopher B. Serak

12/19/18

CONFLICT OF INTEREST SCREEN FOR JAMES ALLEN EARL, II

December 14, 2018

I. RECITALS

WHEREAS, James Allen Earl, II is a Senior Project Manager for the Indiana Department of Transportation; and
WHEREAS, James Allen Earl, II has recently accepted employment with CDM Smith, Inc. ("CDM"); and
WHEREAS, CDM has a business relationship with INDOT, including an ongoing subcontract under Contract Number OT180701a; and

WHEREAS, as a Senior Project Manager, James Allen Earl, II helped develop OT180701a, including scoring potential consultants and subconsultants; and

WHEREAS, James Allen Earl, II has never otherwise worked directly with CDM while employed with INDOT, and is not assigned to administer CDM subcontract under OT180701a; and

WHEREAS, in this position with INDOT, James Allen Earl, II could be assigned to administer contracts and subcontracts awarded to CDM in the future; and

WHEREAS, the planned employment arrangement between CDM and James Allen Earl, II creates a potential decisions and voting conflict under IC 4-2-6-9, requiring a formal screen to prevent the employee from working with the company on current and future contracts in his capacity with INDOT.

NOW THEREFORE, James Allen Earl, II, a Senior Project Manager for INDOT, for the remaining duration of his employment with the Department, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen.

II. CONFLICT OF INTEREST SCREEN

1. James Allen Earl, II shall be screened from all decisions and votes in which CDM Smith, Inc. has a financial interest, including in relation to Contract No. OT180701a.
2. James Allen Earl, II shall be screened from participating in any present or future agreement between INDOT and CDM Smith, Inc.
3. James Allen Earl, II shall be otherwise screened from working with CDM Smith, Inc. in any capacity for the remaining duration of his employment with INDOT.

III. EMPLOYEE AFFIRMATION

I have read and understand the terms of the foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which CDM Smith, Inc. has a financial interest. I have shared and discussed this Conflict of Interest Screen and its requirements with my supervisor, who will ensure I do not work with CDM Smith, Inc. on Contract Number OT180701a, and any future contract award to CDM Smith, Inc.

Executed and agreed this 14th day of December, 2018, by:



James Allen Earl, II, Senior Project Manager,
Indiana Department of Transportation

Cooper, Jennifer

From: Serak, Chris (INDOT)
Sent: Wednesday, December 19, 2018 3:23 PM
To: Cooper, Jennifer
Cc: Grand, Alison; Earl, James
Subject: FW: Executed Conflict Disclosure and Internal Screen
Attachments: Executed CI Disclosure.pdf; CONFLICT OF INTEREST SCREEN FOR JIM EARL - signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Jen-

In accordance with Ind. Code 4-2-6-9(b)(2), please find the attached conflict disclosure executed by INDOT employee Mr. James Allen Earl II. The same was provided to the employee's appointing authority, INDOT Commissioner Joe McGuinness. Said disclosure is included below as part of this email.

Thanks!

Chris

Christopher B. Serak,
Prequalification Director
Ethics Officer
Indiana Department of Transportation
Office: (317) 234-2115
Cell: (317) 440-9868
Email: chserak@indot.in.gov

From: Serak, Chris (INDOT)
Sent: Wednesday, December 19, 2018 3:22 PM
To: McGuinness, Joe <JMcGuinness@indot.IN.gov>
Cc: Grand, Alison <AGrand@indot.in.gov>; Earl, James <JEARL@indot.IN.gov>
Subject: Executed Conflict Disclosure and Internal Screen

Commissioner McGuinness-

Pursuant to the notice requirements of Ind. Code 4-2-6-9(b), please find the attached conflict disclosure and internal screen executed by employee Mr. James Allen Earl II. The disclosure will be filed with the Indiana Ethics Commission in satisfaction of the same.

Please let me know if you have any questions.

Thank you.

Chris

Christopher B. Serak,
Prequalification Director
Ethics Officer
Indiana Department of Transportation
Office: (317) 234-2115
Cell: (317) 440-9868
Email: chserak@indot.in.gov