

INDIANA
STATE ETHICS COMMISSION

JAN 11 2021



**ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST - DECISIONS AND VOTING**
State Form 65960 (R / 10-16)
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) McClellan	Name (first) Anthony ("Tony")	Name (middle) K.
Name of office or agency Indiana Department of Transportation- Seymour District		Job title District Deputy Commissioner
Address of office (number and street) 185 Agrico Lane		City Seymour
		ZIP code 47274
Office telephone number (812) 524-3702	Office e-mail address (required) tmcclellan@indot.in.gov	

Describe the conflict of interest:

Tony McClellan is District Deputy Commissioner for the Indiana Department of Transportation- Seymour District (INDOT). Tony McClellan has accepted employment with East End Crossing Partners, LLC ("EECP"). EECP has a business relationship with INDOT, including active contracts. Tony McClellan's employment with EECP is dependent on the SEC's approval of INDOT's waiver filed under Ind Code 4-2-6-11(g). Anthony McClellan's employment negotiations with EECP created a potential decisions and voting conflict of interest under IC 4-2-6-9. This disclosure is therefore being filed in anticipation of that potential conflict.


Subject to SEC approval, INDOT waived application of IC 4-2-6-11(b). Tony McClellan may immediately commence employment with EECP. Tony McClellan is subject to IC 4-2-6-11(c) and will not assist any future employer with a matter he personally and substantially participated in on behalf of INDOT. Subject to SEC approval, INDOT waived IC 4-2-6-11(c) with regard to DES 0201296. This disclosure was provided to Mr. McClellan's appointing authority, Commissioner Joe McGuinness, on December 8, 2020. Evidence of said disclosure to Commissioner McGuinness is filed herewith pursuant to IC 4-2-6-9(b)(2)(D).

Pursuant to IC 4-2-6-9(b)(2), this disclosure was executed and filed with the SEC within seven days (7) of the potential conflict being identified by the below signed ethics officer.

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*
 A formal screen was executed with INDOT's ethics officer preventing Tony McClellan from working with EECF in his capacity as an INDOT employee. Said screen prohibits Tony McClellan from under taking any of his official duties or otherwise participating in any decision or vote, or matter related to such decision or vote, involving EECF, or in which EECF has an interest. Tony McClellan is further screened from assisting any future employer, including EECF, with a matter in which he personally and substantially participated in while employed by INDOT. Subject to approval by the SEC, this screen does not apply to DES 0201296. Mr. McClellan may assist EECF with DES 0201296 subject to SEC approval. This screen was executed on December 8, 2020, a copy of which was sent to INDOT Commissioner Joe McGuinness along with this disclosure.

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) December 8, 2020
Printed full name of state officer, employee or special state appointee Anthony ("Tony") K. McClellan	

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) December 8, 2020
Printed full name of ethics officer Christopher B. Serak	

CONFLICT OF INTEREST SCREEN FOR ANTHONY ("TONY") K. MCCLELLAN

December 8, 2020

I. RECITALS

WHEREAS, Anthony ("Tony") K. McClellan is District Deputy Commissioner for the Seymour District of the Indiana Department of Transportation ("INDOT" or "Department"); and

WHEREAS, Tony McClellan has accepted a position with East End Crossing Partners, LLC ("EECP"); and

WHEREAS, EECP has a business relationship with INDOT, including open contracts with the Department; and

WHEREAS, as District Deputy Commissioner for INDOT, Seymour District, it is possible that Tony McClellan could be assigned to work with EECP or to participate in matters involving the company as part of his regular duties; and

WHEREAS, Tony McClellan's employment negotiations with EECP created a potential decisions and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, Tony McClellan is subject to the particular matter restriction under IC 4-2-6-11(c) and cannot assist future employers, including EECP, with any matter he personally and substantially participated in while employed by INDOT; and

WHEREAS, Tony McClellan may participate on behalf of EECP in that certain public private agreement known as DES 0201296, subject to the State Ethics Commission's approval of the particular matter waiver filed by INDOT under Ind. Code 4-2-6-11(g);

NOW THEREFORE, Anthony ("Tony") K. McClellan, District Deputy Commissioner for the Seymour District of INDOT, for his remaining tenure with the Department, or until he discontinues employment negotiations with East End Crossing Partners, LLC, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Tony McClellan must adhere to term three (3) regarding the particular matter restriction in perpetuity, for the life of each particular matter.

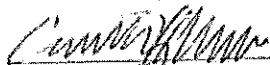
II. CONFLICT OF INTEREST SCREEN

1. Tony McClellan shall not participate in any decision or vote, or any matter related to such decision or vote, in which EECP has a financial or other interest.
2. Tony McClellan should be screened from participating in any present or future contract or other matter involving EECP.
3. Except as provided under term four (4), Tony McClellan shall not assist any future employers, including EECP, with any matter he personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of each particular matter.
4. Subject to approval of the State Ethics Commission, Tony McClellan may participate in the administration of DES 0201296 on behalf of EECP.

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 East End Crossing Partners, LLC has a financial or other interest. I understand that the first two (2) terms of this screen terminate upon my leaving the Department or the discontinuation of negotiations with EECP, whichever occurs first. I further understand that term three (3) concerning the particular matter restrict applies in perpetuity, for the life of the matter. I have shared and discussed this Conflict of Interest Screen and its requirements with my supervisor.

Executed and agreed this 8th day of December 2020, by:



Anthony ("Tony") K. McClellan, District Deputy Commissioner
Indiana Department of Transportation- Seymour District

Cooper, Jennifer

From: Serak, Chris (INDOT)
Sent: Monday, January 11, 2021 1:56 PM
To: Cooper, Jennifer
Cc: Kennedy, Heather; McClellan, Tony; Tony McClellan
Subject: FW: Executed COI Disclosure & Screen for Tony McClellan
Attachments: Executed COI Disclosure Statement and Internal Screen (Tony McClellan- INDOT).pdf

Good Afternoon Jen-

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

Please note that both documents are contained in the attached PDF. If you would like the items filed separately, please let me know and I will send as separate documents.

Thank you,

Chris

Christopher B. Serak,
Prequalification Director
Ethics Officer
Prequalification Committee (Chairman)
Selection Review Committee (Member)
Indiana Department of Transportation
Office: (317) 234-2115
Cell: (317) 440-9868
Email: chserak@indot.in.gov
Location: *IGCN, 100 N Senate, N758-PQ*



From: Serak, Chris (INDOT)
Sent: Monday, January 11, 2021 1:54 PM
To: McGuinness, Joe <JMcGuinness@indot.IN.gov>
Cc: Kennedy, Heather <HKennedy@indot.IN.gov>; McClellan, Tony <TMcclellan@indot.IN.gov>
Subject: Executed COI Disclosure & Screen for Tony McClellan

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 Tony McClellan. 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
Prequalification Committee (Chairman)
Selection Review Committee (Member)
Indiana Department of Transportation
Office: (317) 234-2115
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