



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N725
Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Joe McGuinness, Commissioner

December 5, 2018

RECEIVED

DEC 26 2018

Indiana Office of the Inspector General

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 Employee Matthew Nigh to attend the Society for Protective Coatings ("SSPC") 2019 Annual Meeting on February 11-14, 2019

Dear Mr. Clevenger:

Joe 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 employee Matthew Nigh, so that he may accept travel expenses to attend the Society for Protective Coatings ("SSPC") 2019 Annual Meeting ("SSPC Annual Meeting") February 11-14, 2019.

The SSPC Annual Meeting will be held at the Coronado Springs Resort in Orlando, Florida. The INDOT employee's travel expenses, including transportation, some meals, and hotel, will be reimbursed by the American Association of State Highway Transportation Officials ("AASHTO") up to a maximum value of Two Thousand Dollar (\$2,000.00). The details regarding reimbursement, and reimbursable expenses, are contained in the letter attached as Exhibit A. INDOT will pay for the registration fees for Mr. Nigh to attend the SSPC Annual Meeting.

AASHTO is a nonprofit association of public transportation authorities assisting in the delivery of transportation related public services. Membership in AASHTO is limited to public entities. Private entities may contribute to AASHTO as sponsors. Mr. Nigh's travel expenses may be paid in part from money paid to AASHTO by private entities for the right to sponsor the organization. It is possible that some of these sponsors have a business relationship with INDOT, or may otherwise may seek to influence Department decision making.

42 IAC 1-5-1(a)(7) prohibits Department employees from accepting travel expenses from a person with whom INDOT has a business relationship. Because INDOT has a business relationship with AASHTO, and may have a business relationship with the organization's private sponsors, the Department cannot accept travel expenses paid for by AASHTO without obtaining a waiver under 42 IAC 1-5-1(c).

The SSPC Annual Meeting is primarily educational in nature, with some networking opportunities. The listed INDOT employee will attend all educational sessions, as well as participating in networking opportunities. The employee will also be available to answer attendees' questions about doing business with INDOT, and INDOT operations. Mr. Nigh will also have the opportunity to exchange technical and administrative expertise with representatives from other public transportation entities. The SSPC Annual Meeting will therefore contribute to the professional development of the subject employee, and enhance INDOT operations through Mr. Nigh's transmission of new technical and administrative knowledge to the Department. The direction provided by Mr. Nigh to attendees with a business with INDOT will further

enhance 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 SSPC Annual Meeting, the identified INDOT employee will be educated concerning developments in the construction industry, including construction means and methods. The IINDOT employee will further have the opportunity to build better partnerships with attendee firms that do business with the Department, and gather information about the best practices of other public transportation agencies.

Therefore, it is my opinion that it is consistent with the public interest for INDOT employee Matthew Nigh to accept travel expenses with a maximum value of Two Thousand Dollar (\$2,000.00) from AASHTO to attend the SSPC Annual Meeting, February 11-14, 2019. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1(a) to allow Matthew Nigh to accept travel expenses from AASHTO in the maximum amount of Two Thousand Dollar (\$2,000.00) to attend the SSPC 2019 Annual Meeting.

To prevent any other issues arising under the gift rule, the below signed ethics officers has instructed the employee not to accept any other item of value from an attendee of the SSPC Annual Meeting. To be absolutely sure that the gift rule is not violated, the employee has been be 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) 234-2115 or chserak@indot.in.gov.

Sincerely,



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

October 22, 2018

Matthew Nigh
INDOT
41 West 300 North
Crawfordsville, IN 47933
MNigh@indot.IN.gov

Dear Matthew Nigh,

I am writing to confirm that your travel expenses for your attendance at the SSPC 2019 Annual Meeting, February 11 - 14, 2019, being held at the Coronado Springs Resort, Orlando, Florida, will be covered through AASHTO/NTPEP. The conference schedule is available online at <http://www.sspc2019.com/>.

If you have not already done so, please complete the registration form that Terry Sowers with SSPC provided in an email to you upon accepting the invitation to have your travel expenses reimbursed through AASHTO. Email your completed registration form to Terry Sowers, sowers@sspc.org.

A document outlining the policies and eligible items for reimbursement are included in the pages following this announcement. The policies listed within will be strictly enforced. If you have any questions please contact me at vglick@ashto.org.

Regards,



Vince Glick
Technology Specialist, AASHTO-NTPEP

American Association of State Highway and Transportation Officials (AASHTO)
444 North Capitol St. NW, Suite 249
Washington, DC 20001
Tel: 202-624-7743
E-mail: vglick@ashto.org

Exhibit A

AASHTO SSPC 2019 Travel Policy

Transportation

Air Travel

- Attendees are responsible for booking their own flights.
- Book flights as early as possible to get the lowest fare
- We will only reimburse economy fares (unless you have a medical condition requiring you to purchase priority seating. A signed doctor's note stating your medical condition is required to be submitted when submitting your expense report)
- **AASHTO will not absorb costs that are incurred as a result of unnecessary stopovers, extended stays, or voluntary flight reservation changes.** AASHTO will absorb the cost if your flight gets cancelled due to weather conditions.
- **Any flight over \$600 requires prior approval before booking.** If your flight is over \$600 please send an e-mail to Vince Glick at vglick@ashto.org indicating the price for review and approval.
- AASHTO **will only** cover the cost of the first checked bag for both inbound and outbound flights.
- AASHTO **will not** cover the cost of any items purchased during your flight (food, beverages, internet, etc.)
- **Receipts are required** for flight purchase as well as checked bags.

Car Travel

- Travel by car **for trips less than 150 miles** is reimbursed at the rate established by U.S. GSA.
- **For a trip in excess of 150 miles**, costs associated with the use of privately owned autos or rental vehicles will be reimbursed as long as the cost of automobile expenses claimed in addition to related subsistence expenses do not exceed the cost of travel by common carrier plus related subsistence expense. Please send an email to Vince Glick at vglick@ashto.org to request approval and please include details of the average flight cost.
- A map of the distance traveled is required to receive reimbursement
- Any hotel stays while driving to/from Orlando, Florida **will not** be covered by AASHTO.
- AASHTO **will not** reimburse any rental car fees.
- Parking at the conference hotel while attending the meeting **will be** reimbursed by AASHTO.

- Entertainment, health clubs, resort fees
- Alcoholic Beverages
- Flight insurance
- In-flight telephone calls
- Flight upgrades
- Rental cars
- If you choose to arrive before Sunday, February 10 or depart after Friday, February 15, AASHTO will not reimburse any additional costs.

Reimbursement process

Overview

AASHTO will reimburse each state member a maximum of \$2,000.00. Any costs in excess of this amount are the responsibility of the individual, and will not be reimbursed by AASHTO.

You will have 15 calendar days to submit your expense report using Concur. Original receipts for air fare, mileage, ground transportation, parking and accommodations must be submitted with your expense report. **Failure to provide appropriate support receipts will result in the expense report being denied.**

Step-by-Step

Pre-meeting

- Reserve hotel room in Orlando, Florida (keep all hotel receipts)
- Reserve travel to-and-from Orlando, Florida (keep all travel receipts)

Meeting

- Be sure to keep all receipts for long-term parking and/or transportation to/from the airport
- Be sure to keep all meal receipts

Post-Meeting

- Complete expense report and submit it to AASHTO by **March 4, 2019**.

Miscellaneous Travel Expenses

- In addition to the specific costs AASHTO will cover for transportation to and from Orlando, Florida, AASHTO will also cover the following miscellaneous travel expenses:
 - Ground transportation costs including: public transportation in home city (home/office to/from airport) OR parking at an economy lot at the airport.
 - Public transportation to/from the hotel/airport in Orlando, Florida. There is an airport shuttle available.
 - <https://www.disneymeetings.com/disneyworld/coronado-springs/transportation/>
 - Receipts for these costs are required.

Accommodations

- Blocks of rooms are available at the following hotels and must be booked through the SSPC Housing Bureau; available on a first-come, first-serve basis. (Visit the SSPC website at for this information). <http://www.sspc2019.com/housing/>

Government Rated Rooms

- To request a government rated room, please follow the link to make a reservation: <https://book.passkey.com/go/SSPC2019GovtRate>
- Please note: Room availability at the government rate is limited and based on a first come, first serve basis.
- The hotels with limited available government rated room availability are:
 - Disney's Coronado Springs Resort
1000 West Buena Vista Drive
Lake Buena Vista, FL 32830-1000, US

Meals

- For meals not provided as part of the Meeting, you will be responsible for submitting **ITEMIZED** receipts for each meal you want to be reimbursed for. AASHTO will not reimburse you for any expenses you do not provide **ITEMIZED** receipts for.

Non-Reimbursable Items

AASHTO will not reimburse for the following items:

- Local or long-distance telephone calls and access fees: fax fees, internet and computer access charges.
- Laundry charges