



INDIANA DEPARTMENT OF TRANSPORTATION

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Mike Braun, Governor
Lyndsay Quist, Commissioner

FILED

May 29, 2026

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

MAY 29 2026

INDIANA STATE
ETHICS COMMISSION

Re: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received INDOT Executives in Relation to the 2026 American Counsel of Engineering Companies Annual Excellence in Engineering Awards, ACEC Indiana Executive Director.

Chairwoman Noel:

Commissioner Lyndsay Quist, the appointing authority to 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 items of value that were received by six (6) INDOT Employees, listed in **EXHIBIT A** (attached), at the American Counsel of Engineering Companies (ACEC) Annual Excellence in Engineering Awards. Each employee benefited professionally from attendance for the reasons provided below.

The ACEC Annual Excellence in Engineering Awards was held on April 30, 2026. INDOT employees were able to hear speakers with subject matter expertise and connect with ACEC members, consultants, contractors, and subject matter experts to discuss, learn, and engage with one another. Several INDOT personnel were instrumental in projects that have been selected for awards in 2026. The costs of the food provided at the luncheon was twenty-five dollars (\$25), for a total of one hundred fifty dollars (\$150) for all INDOT attendees.

The meals provided to the attending INDOT employees were paid for by the ACEC, the Department's largest engineering trade association partner. Most of ACEC's dues paying members gave a business relationship with INDOT. ACEC's mission is "to be the collective voice of the Indiana consulting engineering community." In this role, ACEC works closely with INDOT to bring critical industry perspective to Department policy making, business practices, and project development and implementation. In this way, ACEC is an important partner for INDOT. This partnership brings extensive value to Department operations, as the agency depends on consulting partners to scope, design, and maintain roadway, bridge, and drainage assets. Furthermore, as a public agency operating in the transportation infrastructure industry, INDOT must organize its operations around the realities of designing and building roads in the State of Indiana. Without ACEC's voice in internal and public conversations concerning policy and capital program adoption, the Department would miss out on important insight crucial to the successful execution of the Department's statutory mission to provide the Hoosier taxpayer, and the motoring public at large, with safe, reliable, and high-quality transportation infrastructure.

INDOT personnel covered by this waiver were instructed not to accept any other item of value from any other person or entity if that person or entity 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 regularly

informed that the safest course of action at any industry event is to assume that anyone in attendance might have a business relationship with or operational interest in the Indiana Department of Transportation.

ACEC Annual Excellence in Engineering Awards is a celebration of Indiana's most successful private and public transportation infrastructure projects. The event brings together clients and designers, along with other industry stakeholders, to recognize and celebrate the outstanding work delivered during the prior year. The ACEC Annual Excellence in Engineering Awards is an opportunity for INDOT employees to network and socialize with consultant partners while having their excellence recognized in a public forum. The event offers positive reinforcement for the hard work of honored attendees while also serving their professional development through networking and education.

The INDOT attendees have roles in which they work with or oversee employees who work regularly with engineers and consultants in attendance at the ACEC Annual Excellence in Engineering Awards, worked on and oversaw the projects honored at the event. Attending the awards ceremony gave the INDOT employees the opportunity to attend an awards ceremony for some of INDOT's projects, show agency support, and build relationships with partners in the industry.

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 to "evaluate and utilize whatever possible improved transportation facility maintenance and construction techniques." By attending the 2026 ACEC Annual Excellence in Engineering Awards, INDOT employees educated concerning developments in the transportation design and engineering industry, including changing design practices, technological advancements, and new product developments embodied in the highlighted projects. Furthermore, the INDOT employees the opportunity to build better partnerships with attendee firms and trade associations that do business with the Department and educate said industry consultants, who could offer improvements to INDOT's critical design, engineering, and asset management programming.

Therefore, it is my opinion that is consistent with the public interest for the Seven (7) employees listed in **EXHIBIT A**, to attend the ACEC Annual Excellence in Engineering Awards ACEC and to receive the items of value specified above, even though payment for these items was made by ACEC through membership dues and event sponsorships funded in part by INDOT vendors. , comprised of member companies including current Department vendors and firms with a potential interest in establishing a business relationship with the agency. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) the INDOT employees, to accept food and beverages with a total value of approximately one hundred fifty (\$150) provided by ACEC in relation to the employees' attendance at the Annual Excellence in Engineering Awards on April 30, 2026.

If you need additional information or have any questions about this letter, please feel free to contact me at (463) 261-6966 or cdevlin@indot.in.gov.

Very Respectfully Submitted,



Chris Devlin

Attorney Senior and Ethics Officer
Indiana Department of Transportation.

Exhibit A

Project

Renew Richmond: US 27 over Norfolk Southern & 5 Streets
US 50 Reduced Conflict Intersection
US 50 Reduced Conflict Intersection
I-69 Finish Line - Contract 5
ProPEL US 30 West Study
I-70 Added Travel Lanes & Pavement Replacement

Award Category Name

Honor Nathan Riggs
State Finalist Kyanna Wheeler
State Finalist Tony McClellan
Honor Sandra Flum
Merit Jonathan Wallace
State Finalist Fielding Tipton