



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

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Eric Holcomb, Governor

Room N725

Michael J. Smith, Commissioner

March 21, 2024

Katherine Noel, 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 Registration Fees Received by INDOT Employees Eric Banschbach, PS, Luis Laracuente, Brian Shattuck, Matt Yarian, Richard Gilyeat, Kaitlyn Taylor, Andrew Borden, Damien Perry, Debbie Calder, Josie Crane, and Angela Nicholson for the American Council of Engineering Companies ("ACEC") Indiana Chapter Engineering Excellence Award Ceremony Luncheon on April 25, 2024.

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) in relation to INDOT Employees, Eric Banschbach, PS, Luis Laracuente, Brian Shattuck, Matt Yarian, Richard Gilyeat, Kaitlyn Taylor, Andrew Borden, Damien Perry, Debbie Calder, Josie Crane, and Angela Nicholson. The aforementioned INDOT employee's attendance is being sponsored by the following INDOT vendors: Butler, Fairman & Seufert, Inc., Janssen & Spaans Engineering, Inc., Burgess & Niple, Crawford, Murphy & Tilly, Inc. ("CMT"), Ciorba Group, Inc., USI Consultants Inc., and RQAW. The attendees will benefit from attendance for the reasons provided below.

The ACEC Indiana Chapter Engineering Excellence Award Ceremony Luncheon will be held at the Marriott North Hotel, 3645 River Crossing Parkway, Indianapolis, IN 46240. INDOT Employees Eric Banschbach, PS, Luis Laracuente, Brian Shattuck, Matt Yarian, Richard Gilyeat, Kaitlyn Taylor, Andrew Borden, Damien Perry, Debbie Calder, Josie Crane, and Angela Nicholson are not required to pay to attend the event, but rather are being invited to sit at the tables sponsored by the various firms that currently do business with INDOT, which are Butler, Fairman & Seufert, Inc., Janssen & Spaans Engineering, Inc., Burgess & Niple, CMT, Ciorba Group, USI Consultants, and RQAW at a total cost of one thousand, one hundred dollars (\$1,100.00). A total of eleven (11) attendees at \$100 per employee, which includes an event ticket and meal. The firms are paying the following amounts: Butler, Fairman & Seufert, Inc., (\$200 for Eric Banschbach, PS, and Luis Laracuente), Janssen & Spaans (\$100 for Brian Shattuck), Burgess & Niple (\$100 for Matt Yarian), CMT (\$200 total for Richard Gilyeat and Kaitlyn Taylor), Ciorba Group (\$100 for Andrew Borden), USI Consultants (\$200 for Angela Nicholson and Damien Perry), and RQAW (\$200 for Debbie Calder and Josie Crane) for a total of \$1,100.00. No other items of value are being given to the INDOT employees, and they have been instructed not to accept any item offered.

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 from the private sector might have a business relationship with INDOT.

Each INDOT firm, which are Butler, Fairman & Seufert, Inc., Janssen & Spaans Engineering, Inc., Burgess & Niple, CMT, Inc., Ciorba Group, USI Consultants, and RQAW, all have ongoing business interests in INDOT operations and contracting opportunities. These firms provide engineering consulting services, construction engineering services, inspections, traffic engineering services, bridge designs services, construction management, and road and bridge

design services. These firms have worked on the following INDOT projects: I-70/I-65 North Split, SR 5 and Page Ditch, SR42 Pavement Replacement in Mooresville, US20/US31 Interchange – South Bend, US 33 Over Blue River Replacement Bridge, and US 36 Added Travel Lanes, Phase 1.

ACEC started as a functional section of the Indiana Society of Professional Engineers and then recognized the need for a unified voice for the business interests of engineering companies and has grown to represent over 500 owners/principals. ACEC is dedicated to establishing and maintaining the highest standards of technical performance and professional practice, encourages continuing professional and technical achievement among all engineers, develops a greater understanding of the practice of consulting engineering by the public, related design professions, construction and supply industries, and those in public service, as well as performs public services that are beneficial to society as a whole and that do not conflict with professional obligations.

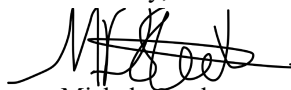
The ACEC Indiana Chapter Engineering Excellence Award Ceremony Luncheon is primarily a networking event and a celebration of the private-public partnerships underlying successful transportation infrastructure projects delivered during 2023. It is further an opportunity to celebrate the exceptional ideas and innovations in engineering by showcasing successful projects to a statewide audience of clients, industry leaders, legislators, and other decision makers. ACEC Indiana is one of a handful of organizations dedicated to promoting consulting engineering in road construction, a mission in which INDOT has a particular interest as a major industry stakeholder and public-service entity.

As such, the participation of INDOT personnel in events such as the ACEC Indiana Chapter Engineering Excellence Award Ceremony Luncheon, is hugely beneficial to ensure that INDOT has representation at the event since the award is related to an INDOT project, to strengthen relationships with critical stakeholders, connect with industry leaders, and answer questions concerning and otherwise speak to INDOT capital planning and operations. A waiver of the gift rule to allow INDOT Employees Eric Banschbach, PS, Luis Laracuate, Brian Shattuck, Matt Yarian, Richard Gilyeat, Kaitlyn Taylor, Andrew Borden, Damien Perry, Debbie Calder, Josie Crane, and Angela Nicholson to accept event registration worth one hundred dollars per person (\$100.00) for a total of one thousand, one hundred dollars (\$1,100) is therefore very much in the public interest under the circumstances set forth above.

Therefore, it is my opinion that it is consistent with the public interest for the referenced INDOT personnel to attend the ACEC Indiana Chapter Engineering Excellence Award Ceremony Luncheon on April 25, 2024, and to receive the item of value specified above, even though payment for this item is being made by various firms which are Butler, Fairman & Seufert, Inc., Janssen & Spaans Engineering, Inc., Burgess & Niple, CMT, Inc., Ciorba Group, USI Consultants, and RQAW, entities that have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow INDOT Employees Eric Banschbach, PS, Luis Laracuate, Brian Shattuck, Matt Yarian, Richard Gilyeat, Kaitlyn Taylor, Andrew Borden, Damien Perry, Debbie Calder, Josie Crane, and Angela Nicholson to accept registration fees for the ACEC Indiana Chapter Engineering Excellence Award Ceremony Luncheon pursuant to the details set forth herein.

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 719-6624 or msteele@indot.in.gov.

Sincerely,



Michele Steele
Ethics Officer

Indiana Department of Transportation