



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor
Michael Smith, Commissioner

February 8, 2023

FILED

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

FEB - 8 2023

INDIANA STATE
ETHICS COMMISSION

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received by INDOT Employees in Relation to the American Concrete Pipe Association 2023 Pipe School on February 6-9, 2023.

Chairwoman 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) for items of value received by INDOT employees Mark Baily, James Emerick, James Boehm, and Sinan Hamad in relation to their participation in the American Concrete Pipe Association 2023 Pipe School ("Pipe School") on February 6-9, 2023. Each employee benefited professionally from attendance for the reasons provided below.

The Pipe School was held at the Hyatt Regency at the Arch, 315 Chestnut St., St. Louis, Missouri 63102, on February 6th through February 9th, 2023. INDOT employees received full scholarships to attend the event, valued at approximately One Thousand Three Hundred Fifty Dollars (\$1,350.00) per person, comprising of registration fees (\$649.00), lodging expenses (\$450.00)¹, and food (\$250.00). The combined value of the items received by INDOT employees is therefore approximately Five Thousand Four Hundred Dollars (\$5,400.00).² Employees may have received additional items not subject to the gift rule, namely souvenirs of a nominal value, such as vendor-branded trinkets offered by corporate table sponsors. The registration fees included in the scholarship covered the cost of continuing education credits available to professional engineers in attendance at Pipe School, which are additional items of value received by INDOT employees accounted for in the above outlined gift amount.

The scholarships were provided by the American Concrete Pipe Association ("ACPA"), an association of companies operating in the concrete pipe and drainage infrastructure industry. ACPA members include INDOT vendors and suppliers with ongoing business relationships with the Department. The ACPA is itself an industry partner of the Department with an interest in the business and operational decision-making of the agency. Corporate trinkets potentially made available to attending INDOT employees may have been offered by existing Department vendors or companies with an interest in future agency contracting opportunities. While such souvenirs are not subject to the prohibition on accepting gifts under 42 IAC 1-5-1, receipt is being disclosed in the interest of complete transparency.

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.

The ACPA Pipe School is primarily educational in nature, with some networking opportunities as well (*see attached Exhibit A* 2023 ACPA Pipe School Combined Agenda). The above listed INDOT employees attended all relevant educational sessions, as well as participating in networking opportunities and production seminars. The attending INDOT

¹ Three (3) nights at \$150.00 per night, for total lodging cost of \$450.00 per employee, and combined lodging value of \$1,800.00.

² Each scholarship has a value of approximately \$1,350.00, multiplied by four (4) attendees, for a combined gift value of \$5,400.00.

employees also made themselves available to answer attendee's questions about doing business with INDOT and INDOT operations. Employees took advantage of the unique opportunity to engage diverse industry stakeholders and experts on topics of particular interest to their duties at the Department.

The individuals who attended the event are all employed in the INDOT Hydraulics Division, and therefore administer INDOT's adherence to industry best practices in the field of drainage engineering, as well scoping and designing drainage facilities and layout on Department projects and in Department right of way. Hydraulics Division employees work closely with drainage industry stakeholders, such as the ACPA and specific vendors in attendance at Pipe School, which is the preeminent socio-educational platform for advancing the concrete pipe and drainage infrastructure industry. The professional services provided by these INDOT employees on behalf of the State of Indiana are greatly enhanced through learning about evolving best practices and technological developments in hydraulic design, engineering, and maintenance, and from exchanging ideas with commercial stakeholders at events such as Pipe School, which promises to "advance the industry by teaching classes on production and quality, while engaging with industry stakeholders to ensure that they are provided with information vital to their decision making process." Accordingly, every INDOT employee who participated in the 2023 ACPA Pipe School holds a position with duties that directly benefited from their individual attendance at the event, both through the educational and networking components.

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 2023 ACPA Pipe School, INDOT employees were educated concerning developments in the drainage design and engineering industry, including changing design best practices, technological advancements, and new product development. INDOT employees further had the opportunity to build better partnerships with attendee firms that do business with the Department, recruit new potential contractors, and educate industry members regarding INDOT operations. Attendees were likewise able to connect with potential new suppliers and technical services vendors, who could offer improvements to INDOT's critical hydraulic design, engineering, and management programming.

Therefore, it is my opinion that it is consistent with the public interest for the below listed INDOT personnel to have attended the American Concrete Pipe Association 2023 Pipe School on February 6-9, 2023, and to receive the items of value specified above, even though payment for these items was made by the American Concrete Pipe Association, an industry association with an interest in INDOT business, 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) to allow INDOT employees Mark Baily, James Emerick, James Boehm, and Sinan Hamad to accept full scholarships from the American Concrete Pipe Association to attend the 2023 ACPA Pipe School, which scholarships have a total combined value of approximately Five Thousand Four Hundred Dollars (\$5,400.00).

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.

Very Respectfully Submitted,

/s/: Christopher Bradley Serak

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



EVENT SCHEDULE

TRANSPORTATION, ENGINEERING, MARKETING

MONDAY, FEBRUARY 6TH

ALL TIMES ARE CENTRAL

MARKETING FORUM

4th Floor - Room A

ENGINEERING FORUM

4th Floor - Room B

TRANSPORTATION FORUM

4th Floor - Room C & Streaming

11:30AM - 12:30PM

New ACPA Member Attendee Orientation
Registered ACPA Members Only | 18th Floor Gateway East

1:00PM - 3:00PM

Opening Ceremonies & Keynote Speaker
Kristina Swallow, P.E. (Nevada DOT) | Dr. Shawn Wilson (Secretary LaDOTD & 2022 President of AASHTO)
2nd Floor Regency Ballroom

3:15PM - 4:15PM

Type 1L Cement
Joe Clendenen (LafargeHolcim)

What are You Looking for in a
Pipe Joint Specification
Larry Mauck, P.E. (Pretech Corp)

NDOT's Road to Resilience
Jenica Keller, P.E. (NDOT)

4:20PM - 5:20PM

Know Your Competition
Don McNutt, P.E. (ACPA)

Post-Installation Inspection
Al Hogan, P.E. (ACPA)

Accelerated Bridge Construction
Jonathan Karam, P.E. (DelDOT)
Santiago Rodriguez, M.C.E., P.E. (DelDOT)

5:30PM - 7:30PM

Pipe Show | *4th Floor Room D & E*

TUESDAY, FEBRUARY 7TH

ALL TIMES ARE CENTRAL

MARKETING FORUM

4th Floor - Room A

ENGINEERING FORUM

4th Floor - Room B

TRANSPORTATION FORUM

4th Floor - Room C & Streaming

8:00AM - 8:55AM

Antitrust
Nathan Breen, Esq. (Howe & Hutton)

Rigid vs Flexible Pipe
Alex Aldridge, P.E. (Oldcastle)

DOT Pipe Inspection Crews
Joseph Barbour, P.E. (NCDOT)

9:00AM - 9:55AM

PowerPoint Tips
Trygve Hoff, P.E., ENV SP (ACPA)

The Future for Cement for
Water Resource Application
Josh Gilman, P.E. (PCA)

ASTM Participation
Jimmy Farrell (ASTM)

10:00AM - 10:20AM

Break

10:30AM - 11:30AM

Dr. Shawn Wilson, Secretary - LaDOTD | 2022 President of AASHTO | *Rooms A, B & C*

11:30AM - 12:30PM

Pipe Show Lunch | *4th Floor Room D & E*

12:30PM - 1:25PM

Building Unity and
Productivity
Trevor McDonald, P.E. (ACPA)

Bury Depth Considerations
for Manholes
Riley Dvorak, P.E. (Rinker)

Resilience & Sustainability
in Delaware
Jim Pappas P.E., M.B.A. (DELDOT)

1:30PM - 2:25PM

How to Give Successful
Plant Tours
Brian Kolden, P.E. (County)

Precast Concrete
Trenchless Installation
Mafe Pinzon, P.E. (Langley)

Sign Truss Management
Tom Evers, P.E. (MODOT)

2:30PM - 3:25PM

Engage Your Specifiers
Al Hogan, P.E. (ACPA)

Box Culvert Design
Josh Beakley, P.E. (ACPA)

RCP Under Deep Fills
Doug Kirk, P.E. (WV DOT)

3:30PM - 4:25PM

Grassroots Government
Relations Building
Steve Smart, P.E. (County Materials) &
John Susong, P.E. (Rinker)

Box Culvert Manufacturing
and Installation
Trevis Hanson, C.E.T. (CCPPA)

Hydraulics
Luke Assink P.E. (WSDOT)

4:30PM - 5:25PM

Poster Session | *4th Floor Pre-function Area*

5:30PM - 7:00PM

Pipe Show | *4th Floor Room D & E*

6:00PM - 9:00PM

ACPA Research & Education Foundation DOT Dinner | *Invitation Only*



EVENT SCHEDULE

TRANSPORTATION, ENGINEERING, MARKETING

WEDNESDAY, FEBRUARY 8TH

ALL TIMES ARE CENTRAL	MARKETING FORUM 4th Floor - Room A	ENGINEERING FORUM 4th Floor - Room B	TRANSPORTATION FORUM 4th Floor - Room C & Streaming
6:30AM - 9:00AM	Plant Tour Fred Weber, St. Louis, MO		
9:30AM - 10:25AM	How to Give an Effective Presentation Michael Kremer (ACPA)	Trench & Excavation Safety Palisha Sthapit (Oldcastle)	Resilience in Design: Flooding & Wildfires Dr. Ricardo Medina, P.E. (SC&H)
10:30AM - 11:25AM	Proper Pipe Gasket Design System Jim Gamble (Press-Seal)	Escalating Excellence, A 5-Part Framework for QC/QA Brian Wagner, P.E. (Brian Wagner, Co.)	Buoyancy Hank Gottschalk (CP&P)
11:30AM - 12:30PM	Pipe Show Lunch 4th Floor Room D & E		
12:30PM - 2:00PM	Panel Facing the Market Challenges & Opportunities Ahead Rooms A, B & C Charlie Purcell, P.E. (IA DOT) Khell Jaber, P.E., PMP (NE DOT) Michael Irwin, P.E. (MN DOT)		
1:50PM - 2:00PM	Break		
2:10PM - 3:00 PM	Evacuation Routes Tryg Hoff, P.E., ENV SP (ACPA)	RCP Joint Design & Gaskets Alan Siebenthaler (Hamilton Kent)	Asset Management Michelle O'Neill, P.E. (MDOT) & Mike Halloran, P.E. (MDOT)
3:10PM - 4:00 PM	Strategies for Your Next Relationship Building Event Jennifer Harrell, P.E., ENV SP (ACPA)	Improving the Design Life Cycle Of Sewer Structures Kayla Hanson, P.E. (Concrete Sealants)	Culvert Inspection Robert Trevis, P.E. (ODOT)
4:00 - 6:30PM	Pipe Show & Band 4th Floor Room D & E		

THURSDAY, FEBRUARY 9TH

ALL TIMES ARE CENTRAL	MARKETING + ENGINEERING FORUM 4th Floor - Room A & B	TRANSPORTATION FORUM 4th Floor - Room C & Streaming
8:00AM - 8:55AM	Pre-Installation Inspection Britt Marchman (Rinker)	Partnering with Associations Maria Price, P.E. (City of Chattanooga) & Mike Kusch, P.E. (Foley)
9:00AM - 9:55AM	Resilience & Sustainability of RCP James Freed, P.E. (Rinker)	Ethics and Safe Design Mike Toole, PhD, P.E., F.ASCE (UT)
9:55AM - 10:05AM	Break	
10:10AM - 11:00AM	Preview: Contractor Training (for members only) Room A & B	Project Achievement Award Winners Josh Beakley, P.E. (ACPA)
11:05AM - 12:00PM	QC, QA and QCast Margarita Takou, PhD, P.E., ENV SP (ACPA)	
12:15PM - 1:30PM	Chairman's Quality & Safety Awards Lunch 2nd Floor Regency Ballroom	



EVENT SCHEDULE

QUALITY, PRODUCTION, ADVANCED PRODUCTION

MONDAY, FEBRUARY 6TH

PLANT MANAGEMENT

4th Floor - Room F

ADVANCED PRODUCTION

4th Floor - Room G

QUALITY/BASIC PRODUCTION

2nd Floor - Regency A & B

11:30AM - 12:30PM	New Attendee Orientation 18th Floor Gateway East		
1:00PM - 3:00PM	Opening Ceremonies & Keynote Speaker Kristina Swallow, P.E. (Nevada DOT) Dr. Shawn Wilson (Secretary LaDOTD & 2022 President of AASHTO) 2nd Floor Regency Ballroom		
3:10PM - 3:35PM	Performance Management Chapman & Co. Leadership Institute (Partner with Afinitas)	Drycast Reinforcement Bill Washabaugh (Northern Concrete)	Introductions Rich Brewster (Northern Concrete)
3:35PM - 4:30PM			Cementitious Materials John Kallemeyn, P.E. (Rinker)
4:35PM - 5:30PM	Aggregates John Kallemeyn, P.E. (Rinker)		
5:30PM - 7:30PM	Pipe Show 4th Floor Room D & E		

TUESDAY, FEBRUARY 7TH

PLANT MANAGEMENT

4th Floor - Room F

ADVANCED PRODUCTION

4th Floor - Room G

QUALITY/BASIC PRODUCTION

2nd Floor - Regency A & B

8:00AM - 8:55AM			Reinforcement 1 Mel Marshall (MCM Consultants)	4th Floor - Outside Grand Ballroom Chairman's Quality & Safety Award
9:00AM - 9:55AM	Performance Management Chapman & Co. Leadership Institute (Partner with Afinitas)	Reinforcement Bill Washabaugh (Northern Concrete Pipe)	Reinforcement 2 Mel Marshall (MCM Consultants)	
10:00AM - 10:55AM			Admixtures Tom Greene (GCP Applied Technologies)	
11:00AM - 11:55AM			SCC Tom Greene (GCP Applied Technologies)	
12:00PM - 1:00PM	Pipe Show Lunch 4th Floor Room D & E			
1:00PM - 1:55PM	Managing Industrial Health Eagle (CP&P) & Wildhaber (Rinker)		Concrete Technology Rich Brewster (Northern Concrete)	4th Floor - Outside Grand Ballroom Chairman's Quality & Safety Award
2:00PM - 2:55PM	Root Cause Analysis / 5 Whys McKinney (Rinker) & Marciniak (NCP)	Drycast Concrete Jake Jyrkama, P.E. (Rinker Materials)	Concrete Production Tom Umek (Afinitas)	
3:00PM - 3:55PM	OSHA's Heat & Illness Standard Russell (Topwerk) & Puzs (County Mat.)		Mix Designs Rich Brewster (Northern Concrete)	
4:00PM - 5:30PM	Chairman's Safety Award Presentations		Chairman's Quality Award Presentation	
5:30PM - 7:00PM	Pipe Show 4th Floor Room D & E			
6:00PM - 9:00PM	ACPA Research & Education Foundation DOT Dinner Invitation Only			



EVENT SCHEDULE

QUALITY, PRODUCTION, ADVANCED PRODUCTION

WEDNESDAY, FEBRUARY 8TH

	PLANT MANAGEMENT 4th Floor - Room F	ADVANCED PRODUCTION 4th Floor - Room G	QUALITY/BASIC PRODUCTION 2nd Floor - Regency A & B
6:30AM - 9:00AM	Plant Tour Fred Weber, St. Louis, MO		
9:30AM - 10:55AM	Machinery Workshop Kevin Dowd, Kevin Reathafor, Randy Beckman, Tom Umek, Ron Schreiver, & John Witte (HawkeyePedershaab)	Machinery Workshop Scott Kennedy (Besser)	Consolidation Tom Umek (Afinitas)
11:00AM - 12:00PM	Pipe Show Lunch 4th Floor Room D & E		
12:00PM - 12:55PM	Problem Solving & Trouble Shooting John Witte and Kevin Dowd (Afinitas)		Curing Mel Marshall (MCM Consultants)
1:00PM - 1:55PM			Pre/Post Pour Inspection Karl Josey (Oldcastle)
2:00PM - 3:25PM	Production Roundtables D3, Tom, Larry, Jake, John, Bill, Dan, & More		Calculations and Review Rich Brewster (Northern Concrete)
4:00 - 6:30PM	Pipe Show & Band 4th Floor Room D & E		

THURSDAY, FEBRUARY 9TH

	PLANT MANAGEMENT 4th Floor - Room F	ADVANCED PRODUCTION 4th Floor - Room G	QUALITY/BASIC PRODUCTION 2nd Floor - Regency A & B
7:30AM - 8:55AM	5S/CI Peter Skinner (Press-Seal Corporation)		Repairs and Finishing Paul Krauss (WJE, Inc.)
9:00AM - 9:55AM			Product Testing Mark Taylor (Rinker)
9:55AM - 10:05AM		Drycast Production Tom Umek (Afinitas) Larry Neumann (Northern Concrete)	Break
10:10AM - 11:05AM	Production Mechanicals John Witte and Kevin Dowd (Afinitas)		QCast Part 1 Paul Krauss (WJE, Inc.)
11:15AM - 12:05PM			QCast Part 2 Paul Krauss (WJE, Inc.)
12:15PM - 1:30PM	Chairman's Quality & Safety Awards Lunch 2nd Floor Regency Ballroom		
1:30PM - 3:00PM	Final Exam		