



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor  
Michael Smith, Commissioner

December 12, 2023

FILED

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INDIANA STATE  
ETHICS COMMISSION

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 Certain Items of Value Received by INDOT Employees in Relation to the Carrier & Gable, Inc. Vendor Showcase Day on October 25, 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 Prakash Patel, Kate Pippin, Shahpor Shahbahrami, Ankur Desai, and Nauman Ansari in relation to their attendance at the Carrier & Gable, Inc. Vendor Showcase Day ("C&G Vendor Showcase") on October 25, 2023. Each attendee benefited from attendance for the reasons provided below.

The Carrier & Gable, Inc. Vendor Showcase Day was held at Dye's Walk, 2080 S State Road 135, Greenwood, Indiana 46143 on October 25, 2023. The only items of value received by INDOT employees in relation to the Carrier & Gable Vendor Showcase were breakfast and lunch meals. Employees may have received additional items not subject to the gift rule, namely souvenirs of nominal value, such as vendor-branded trinkets offered by expo booth sponsors. Lunch and breakfast had a combined approximate value of Twenty Dollars (\$20.00) per person, making the estimated total value of items received by INDOT employees in relation to the Carrier & Gable Vendor Showcase One Hundred Dollars (\$100.00).

The meals provided to the attending INDOT employees were paid for by Carrier & Gable, Inc. ("C&G"), an INDOT supplier and industry partner with an ongoing business interest in INDOT operations and contracting opportunities. C&G provides training and vendor exposition services to the traffic design, engineering, and maintenance industry, as well as retailing and providing technical services for proprietary traffic management technology systems and devices manufactured by a variety of industry stakeholders with INDOT connections, including e.g., 3M, Pelco Products, Trafcon, and Astro Optics. The vendor-branded trinkets potentially made available to the attending INDOT employees were offered by companies in the traffic management industry with possible interest in INDOT 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 from the private sector might have a business relationship with INDOT.

The Carrier & Gable, Inc. Vendor Showcase Day is primarily educational in nature, with some networking opportunities as well. The listed INDOT employees attended all educational sessions, as well as participating in networking opportunities and product demonstrations. The attending INDOT employees also made themselves

available to answer attendee's questions about doing business with INDOT and INDOT operations.

The individuals who attended the event are all employed in the INDOT Traffic Design division, and therefore have direct roles in working with traffic industry stakeholders, such as those vendors in attendance at the event. The professional services provided by these individuals for INDOT were enhanced by learning about evolving best practices and technological developments in the traffic design, engineering, and maintenance industry, and from exchanging ideas with industry stakeholders in attendance. Accordingly, every INDOT employee who participated in the C&G vendor expo holds a position with duties that directly benefited from their individual attendance at the event, both through the educational and networking components of the expo.

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 Carrier & Gable, Inc. Vendor Showcase Day, INDOT employees were educated concerning developments in the traffic 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 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 traffic 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 Carrier & Gable, Inc. Vendor Showcase Day on October 25, 2023, and to receive the items of value specified above, even though payment for these items was made by Carrier & Gable, Inc., a company with 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 Prakash Patel, Kate Pippin, Shahpor Shahbahrami, Ankur Desai, and Nauman Ansari to accept food and beverages with a total value of One Hundred Dollars (\$100.00) provided by Carrier & Gable, Inc. in relation to the employees' attendance at the Carrier & Gable, Inc. Vendor Showcase Day on October 25, 2023.

If you need additional information or have any questions about this letter, please feel free to contact me at (855) 463-6848 or [kshelby@indot.in.gov](mailto:kshelby@indot.in.gov).

Very Respectfully Submitted,



Kate Shelby  
Deputy Commissioner and Chief Legal Counsel  
Indiana Department of Transportation