



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Michael Braun, Governor
Kent Abernathy, Commissioner

March 25, 2025

FILED

APR 10 2025

INDIANA STATE
ETHICS COMMISSION

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

IC 4-2-6-11

Post-employment waiver – Tyler Kovacs

As the Appointing Authority of the Indiana Department of Transportation (INDOT), I am filing this waiver of the application of the Code of Ethics post-employment restriction as it applies to Tyler Kovacs in his post-employment with Milestone Contractors.

I understand I must file and present this waiver to the State Ethics Commission at its next meeting on April 10, 2025. I further understand that this waiver is not final until approved by the State Ethics Commission ("SEC").

Tyler Kovacs, a nine-year employee of INDOT, accepted the Project Manager role at Milestone Contractors. Mr. Kovacs sought and received an informal advisory opinion from the SEC, which recommended this post-employment waiver. INDOT is filing this waiver to address post-employment restrictions.

This waiver is regarding the part of the "cooling off" period as indicated below. This waiver does not include a waiver from the particular matter restriction under IC 4-2-6-11(c) related to the transportation projects Mr. Kovacs was assigned during his employment at INDOT.

**A. This waiver is provided pursuant to IC 4-2-6-11(g) and explicitly waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):**

☐ IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.

☒ IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

☐ IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

☐ IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.**

- 1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:**

Tyler Kovacs has not had policymaking, regulatory, licensing, or rule-making authority at INDOT. However, he was in a position to make a discretionary decision affecting the outcome of a negotiation. Mr. Kovacs has not made any regulatory or licensing decisions while working for INDOT that applied to Milestone.

Milestone Contractors provides asphalt, concrete, bridge, and site development services on several INDOT projects.

Mr. Kovacs served as the Construction Engineer ("Engineer") in the Seymour at INDOT. Mr. Kovacs's primary roles and responsibilities were for daily oversight of field construction work that is performed on INDOT contracts. The contracts are obtained through the low-bid system process established at INDOT for years. Mr. Kovacs was not involved in awarding contracts and did not decide which contracts he managed. Although Mr. Kovacs was able to express an opinion or a preference, it was his manager who made the ultimate decision. Mr. Kovacs coordinated with the contractors on their daily work activities and schedules. He was responsible for any highway technicians that reported to him. That includes reviewing and approving their daily work reports. The daily work reports contain pay items that are measurement based. The pay items are decided by the design team prior to contract award so he was "record keeping" what is paid and how it is paid. He also participated in plan reviews for future INDOT construction projects and provided recommendations and suggestions on whether there are things that need to be changed or adjusted. As such, Mr. Kovacs had the ability to see plans for future projects that contractors have not yet seen. Mr. Kovacs did not have the ability to significantly alter the course of the projects, or the work included in those projects. The same documents that Mr. Kovacs saw in advance are the documents that became available to the contractor one month prior to their letting dates.

Mr. Kovacs was involved with one project for Milestone in 2024. His work on the project included, but was not limited to, daily communications with the contractors to ensure that they were executing the construction contracts. When Milestone was onsite, Mr. Kovacs oversaw their daily operations to make certain they aligned with their schedule, INDOT's standard specifications and the plan sheets provided to them. Mr. Kovacs confirmed that the necessary pay items, established by the contract they were awarded, were executed and listed for payment properly. His role included payment to contractors that might involve a change order, which is reviewed and approved by Mr. Kovacs's manager or the district final review officer at the end of the project. Mr. Kovacs coordinated weekly and/or bi-weekly progress meetings as needed for project status updates.

- 2. Please describe the nature of the duties to be performed by the employee for the prospective employer:**

Mr. Kovacs will serve as a Project Manager for Milestone Contractors. His new position has a similar responsibility to his past role at INDOT. Mr. Kovacs' role with Milestone Contractors will be performing and completing the work as opposed to having any oversight of the work. Mr. Kovacs would not be involved nor have any control with the bidding process for INDOT construction contracts. There are no active projects that Mr. Kovacs would work on at Milestone that he worked on while at INDOT. Mr. Kovacs would not engage in executive-branch lobbying with Milestone.

- 3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is possible to include matters where the agency has the discretion to make decisions based on the work of the employee:**

Milestone currently has 27 active contracts with INDOT. Because Mr. Kovacs will serve in a similar role, he anticipates that he could have contact with various INDOT personnel in the execution of transportation projects, identical to any other project manager providing services to INDOT. However, Mr. Kovacs has indicated that he will not work on any matters he previously worked on while employed at INDOT or any future projects where he

has performed plan reviews while working for INDOT in his role with Milestone during the required periods outlined in the State Ethics Code.

4. Please explain whether the prospective employment may be beneficial to the state or the public, explicitly stating how the intended employment is consistent with the public interest:

Mr. Kovacs served INDOT for nine (9) years as the Construction Engineer related to daily oversight of field construction on projects. Project management is necessary for all federal and state-funded projects, and he ensured that the projects were completed on schedule and made sure that the daily work reports contained pay items. He made sure that all items were paid correctly and on time. As the Construction Engineer, Mr. Kovacs had the opportunity to collaborate with several contractors that have done business with INDOT and many of their partners. Given Mr. Kovacs's role as Construction Engineer and the number of contractors that have worked on INDOT projects, it would be difficult for Mr. Kovacs to find employment suitable to his skills that did not include an actual or perceived conflict or need for a waiver of post-employment restrictions. Mr. Kovacs has accepted employment from an organization for which he did not regulate or negotiate any contract and to whom he did not bestow any benefit or government funding.

It is in the public's interest and it is beneficial to the state, local governments, and other public entities to have Mr. Kovacs's unique experience to guide Milestone as it provides the labor needed for all federally and state funded projects. Mr. Kovacs's position with Milestone would utilize his expertise to provide a better product for Indiana and other public agencies. Not awarding a waiver in this situation would mean that a waiver is not awardable to Mr. Kovacs for work at any other company in the Indiana transportation industry and would trap Mr. Kovacs in state employment for the remainder of his career. Trapping Mr. Kovacs at INDOT is against public policy. Every citizen deserves to choose their career path. INDOT will not be able to attract suitable talent to fill its many roles if the State cannot allow someone who has worked with so many different contractors that provide project management services for INDOT to continue his career in the industry for another employer. Allowing Mr. Kovacs to take a role at a company with whom he had minimal interaction as a State employee is consistent with the public interest.

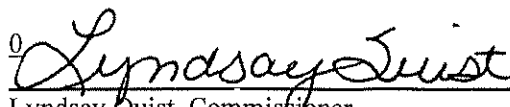
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

For all of the same reasons, keeping Mr. Kovacs working at INDOT by not awarding this waiver will create economic hardship for Mr. Kovacs. Mr. Kovacs has spent nine (9) years of his career at INDOT earning state wages. Mr. Kovacs earns a salary that is, in some cases, lower than other project managers and construction engineers. Additionally, there are few opportunities for the advancement of position and salary for Mr. Kovacs. He has no experience outside of INDOT in his field and has found it difficult to find similar work outside the transportation industry. Mr. Kovacs will not be able to continue progressing his career and earnings further without seeking external employment. Mr. Kovacs was offered employment by a contractor in the transportation industry with whom Mr. Kovacs has had minimal involvement, to whom he did not award any contracts, and for whom he did not oversee or sign any contracts. It would be difficult to find another situation where Mr. Kovacs could continue his career progression with minimal impact on the agency.

C. Signatures

1. Appointing Authority/state officer of the agency

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Lyndsay Quist, Commissioner

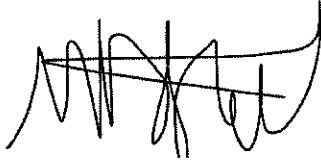
INDIANA DEPARTMENT OF TRANSPORTATION

DATE

04/01/2025

2. Ethics Officer of agency

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Michele Steele, Ethics Officer
INDIANA DEPARTMENT OF TRANSPORTATION

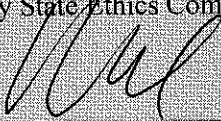
3/31/2025

DATE

D. Approval by the State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission



Katherine Noel, Chair, State Ethics Commission

4-10-25

Date

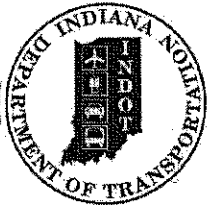
Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to: info@ig.in.gov

*Upon receipt you will be contacted with
details regarding the presentation of this
waiver to the State Ethics Commission.*



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PHONE: (855) 463-6848

Michael Braun, Governor
Lyndsay Quist, Commissioner

ETHICS OFFICER DESIGNATION

I, Lyndsay Quist, Commissioner of the Indiana Department of Transportation ("INDOT"), under the requirements of the Indiana Ethics Code, Indiana Code § 4-2-6 *et. seq.*, hereby designate the following individuals as Ethics Officers for INDOT:

1. Alison Grand, Chief Legal Counsel
2. Michele Steele, Director of Compliance
3. Deborah Law, Senior Attorney

Each individual shall serve as the INDOT Ethics Officer for any INDOT ethics matter, with authority to file all documents, make all appearances, effectuate all representations, and make all waivers under the Indiana Ethics Code, within the authority allowable under law and rule, including under 42 IAC 1-5-1(d). These individuals shall exercise their authority in accordance with the requirements of the State Ethics Commission.

All previous designations of INDOT Ethics Officers are hereby revoked. This appointment, designation, and delegation are effective immediately and shall remain in effect until revoked or amended by the undersigned or his successor.

Upon the execution of this Ethics Officer Designation, the same shall be filed with the State Ethics Commission as required by 42 IAC 1-5-1(d).

By: Lyndsay Quist
Lyndsay Quist, Commissioner
Date: April 3, 2025