



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

**Eric Holcomb, Governor**  
**Michael Smith, Commissioner**

October 26, 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 Live2Lead Leadership Summit October 20, 2023.

Chairwoman Noel:

Commissioner Michael J. Smith, appointing authority of the Indiana 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 A. Monteleone, Learning & Development Manager, and Allison Claypool, Leadership Development Specialist, in relation to their attendance at the Live-2-Lead Leadership Summit October 20, 2023. Their attendance was sponsored by Grow Your Business Coaching, an Indiana Owned Company. The attendees benefited from the attendance for the reasons provided below.

The Live-2-Lead Leadership Summit was held at the Nexus Impact Center, 9511 Angola Court, Indianapolis, Indiana. Mark A. Monteleone and Allison Claypool were not required to pay to attend the leadership summit. The Live-2-Lead Leadership Summit is a professional development conference centered on human capital development and connecting multi-disciplinary leaders across sectors and industries, while providing training regarding professional best practices, emerging technologies, and developments in the fields of human capital and business growth. The Leadership Summit included seminars regarding diverse subject matter as well as networking opportunities for attendees to build relationship with private, public, and nonprofit sectors as well as potential vendors.

Grow Your Business Coaching sponsored the Live-2-Lead Leadership Summit and paid for Mark A. Monteleone's and Allison Claypool's registration fees, in the amount of \$150 each. The registration fees included entrance into the event with access to all educational seminars, breakfast, lunch, and dinner meals. No other items of valued were received by Mr. Monteleone and Ms. Claypool, and both employees were instructed not to accept any other items offered. 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.

Grow Your Business Coaching's sponsorship of Mr. Monteleone and Ms. Claypool's participation in the Live-2-Lead Leadership Summit is covered by the gift rule, requiring execution of this waiver. Grow Your Business Coaching in an Indianapolis business whose goal is to enrich and build human capital as well as business growth for the private and public sectors, including corporations, non-profits, and governmental agencies. Grow Your Business Coaching does not have a business relationship with INDOT.

Grow Your Business Coaching's sponsorship of the INDOT employees was not oriented toward soliciting new business with INDOT or otherwise influencing INDOT operations. Rather, the purpose of the employee's participation in the Leadership Conference was to acquire skills for the improvement of INDOT's internal and external operational procedures. In this way, the employees' participation in the Leadership Summit is in the public interest for improving internal operations, and private sector and public sector engagements. INDOT employees attended relevant seminars and participated in networking events as deemed beneficial to their role with INDOT. As Learning & Development Manager with INDOT and Leadership Development Specialist, Mr. Monteleone and Ms. Claypool shared insights regarding best practices at INDOT

they have developed in their positions.

Furthermore, as Learning & Development Manager with INDOT and Leadership Development Specialist, Mr. Monteleone and Ms. Claypool's roles with INDOT were directly related to the subject matter focus of the Leadership Summit. The professional services both employees provide for INDOT will be enhanced by learning about evolving best practices in human capital development and business management development from exchanging ideas with industry stakeholders in attendance from both the private and public sectors. Accordingly, the employees' work as public servants were improved, and competencies expanded through participation in the Leadership Summit. This will directly benefit the public interest as they are equipped with new skills, knowledge, and connections with which they can build a more effective Learning & Development program at INDOT. A more efficacious Learning & Development program at the Department will in turn reduce costs to the taxpayer associated with potential risks within agency processes identified and corrected by their attendance.

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 Leadership Summit, INDOT employees were educated concerning developments in the public and private sectors human capital and management industries. While the INDOT employees do not serve in a role that directly implements or develops construction means and methods, as contemplated most obviously by IC 8-23-2-4.1, their team provides a critical functions for such operational divisions and their participation in the Leadership Summit will in turn serve to fulfill the directive of said statute by equipping INDOT's divisions with new ideas for management techniques and practices that will better ensure the effective implementation of INDOT's capital program.

Based on the foregoing, it is my opinion that it is consistent with and a benefit to the public interest for INDOT employees Mark A. Monteleone, Learning & Development Manager, and Allison Claypool, Leadership Development Specialist, to accept Grow Your Business Coaching's sponsorship of their participation in the Live-2-Lead Leadership Summit that occurred on October 20, 2023, and to receive the items of value specified above. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow Grow Your Business Coaching to pay a total of \$300 (\$150 each ) for registration fees associated with INDOT employee's attendance at the Live-2-Lead Summit in Indianapolis, Indiana.

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,

*/s/ Kate Shelby*

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