

MAR 28 2018



**CONFLICTS OF INTEREST – CONTRACTS
ETHICS DISCLOSURE STATEMENT**
State Form 53345 (R2/6-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-10.5

Mail to: **FILED**
OFFICE OF INSPECTOR GENERAL
315 West Ohio Street, Room 104
Indianapolis, IN 46202
Telephone: (317) 232-3850
E-mail scanned copy to: info@ia.in.gov

Check if you are making a correction to a previously filed statement.

A state officer, employee, or special state appointee may not knowingly have a financial interest in a contract made by an agency. The term financial interest is defined in IC 4-2-6-1. This prohibition, however, does not apply to an officer, employee, or special state appointee who (1) does not participate in or have contracting responsibility for the contracting agency and (2) meets the criteria in IC 4-2-6-10.5(b)(2) and (c)(1)-(5). One criterion is that the officer, employee, or special state appointee must file a written statement with the Inspector General before the officer, employee, or special state appointee executes the contract with the state agency.

The foregoing consists only of excerpts from IC 4-2-6-10.5. Care should be taken to review IC 4-2-6-10.5 in its entirety to ensure compliance with all criteria set forth in the statute. This disclosure will be posted on the Inspector General's website.

PART 1 – GENERAL INFORMATION

Last name Merritt	First name Fred	Middle initial J.
Address of office (number and street, city, state, and ZIP code) LFM Investments, Inc., 1650 West 106th Street, Carmel, IN 46032		
Title or position within agency Board Member (special state appointee)	Name of agency Indiana Economic Development Corporation	

PART 2 – CONTRACT

List the name for each entity (i.e. vendor, contractor, consultant, subcontractor, or subconsultant) in which you have a financial interest that has a contract with a state agency. Also, list the name of the state agency the entity is contracting with (use a different form for each contract).

Business name of entity LFM Investments, Inc.	Name of entity contact person (first name and last name) Fred J. Merritt
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This contract was (check one):

- made after public notice and, if applicable, through competitive bidding; or
 not subject to notice and bidding requirements

If the contract was not subject to notice and bidding requirements, please provide the basis for that conclusion here. IEDC grant agreements are not subject to public bidding requirements. See Indiana Code chapter 5-22-1-3(a)(8) and 5-28. This grant agreement, however, was subject to approval of the IEDC Board of Directors due to it being a direct investment of funds from the Indiana 21st Century Research and Technology Fund. This grant agreement was presented to the Board's Entrepreneurship Committee. However, due to a conflict of one of the committee members, pursuant to IEDC policy and the Ethics Commission's Advisory Opinion 17-1-2, the matter was considered by the entire IEDC Board. Mr. Merritt was completely screened from any discussion, decision, or vote related to the matter. Mr. Merritt's recusal will be noted in the minutes of the full IEDC Board of Directors.

Description(s) of Contract(s): (Describe the type of contract involved and the effective date and term of the contract if reasonably determinable.)

Energy Systems Network (ESN) submitted to the IEDC a request for grant funding from the Indiana 21st Century Research and Technology Fund. Mr. Merritt has identified that LFM Investments, Inc. may have an indirect financial interest that is related to the pending grant. The grant is projected to have a two (2) year term and begin during Q1 of 2018.

Description of the Financial Interest: (Describe in what manner the state officer, employee, or special state appointee expects to derive a financial interest from or otherwise has a pecuniary interest in, the above contract. State the approximate dollar value of the interest if reasonably determinable. Attach extra pages if additional space is needed.)

On March 21, 2018, the Indiana Economic Development Corporation ("IEDC") Board of Directors considered a request from Energy Systems Network ("ESN") for grant funding from the Indiana 21st Century Research and Technology Fund. ESN is a Central Indiana Corporate Partnership sector initiative that includes a number of corporate partners that share a common interest in developing improvements in energy technology. One of the corporate partners participating in the ESN project is Cummins, Inc. ("Cummins"). Prior to the meeting, Mr. Merritt notified the IEDC's General Counsel & Ethics Officer that he is the President of LFM Investments, Inc. ("LFM"), that LFM is the parent company of a subsidiary that is a direct supplier to Cummins, and that the same subsidiary is currently engaged in a business transaction with Cummins.

As a corporate partner participating in the ESN project, Cummins will be contributing both financially and in-kind to support the project. While LFM does not have a direct financial interest in Cummins' participation in ESN, it may have an indirect financial interest (as defined in Indiana Code section 4-2-6-1(a)(11)) by virtue of its subsidiary's supplier relationship and ongoing business ties to Cummins.

The approximate dollar value of the financial interest to LFM related to Cummins' participation as a corporate partner is not discernible at this time. However, funding from the Indiana 21st Century Research and Technology Fund to ESN is not expected to exceed \$5,152,789.00. In the interests of transparency and out of an abundance of caution, Mr. Merritt has taken the appropriate steps to recuse himself and has been completely screened from any discussion, decision, and vote on the pending grant agreement.

ONLY COMPLETE PART 3 IF CONTRACT IS FOR PROFESSIONAL SERVICES

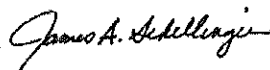
PART 3 – AGENCY CERTIFICATION

Approval of appointing authority

Being the Secretary of Commerce of the Indiana Economic Development Corporation
(Title of Appointing Authority) (Name of Contracting Agency)

I hereby affirm that no other state officer, employee, or special state appointee of the Indiana Economic Development Corporation
(Name of the Contracting Agency)
 is available to perform those services as part of the regular duties of the state officer, employee, or special state appointee.

Signature of Appointing Authority



Digitally signed by James A. Schellinger
 DN: cn=James A. Schellinger, o=IEDC,
 ou=Secretary of Commerce,
 email=jschellinger@iedc.in.gov, c=US
 Date: 2018.03.29 12:15:10 -04'00'

Date signed (month, day, year)

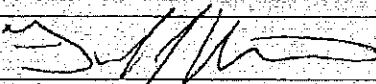
Name of Appointing Authority

James A. Schellinger

PART 4 – AFFIRMATION

I submit this statement to the Inspector General pursuant to 42 IAC 1-5-7 (IC 4-2-6-10.5) to disclose my financial interest in a contract with an agency. This contract can be performed without compromising the performance of my official duties and responsibilities as a state officer, employee or special state appointee. I affirm that I do not participate in or have contracting responsibility for the contracting agency. I further affirm that the contract was made after public notice or competitive bidding, if applicable. I also affirm, under penalty of perjury, the truth and completeness of the statements made above and that I am the above named state officer, employee, or special state appointee.

Signature



Date signed (month, day, year)

3/28/2018

Croft, Celeste

From: Cooper, Jennifer
Sent: Thursday, March 29, 2018 2:06 PM
To: Croft, Celeste
Subject: Fw: I.C. 4-2-6-10.5 Disclosure from IEDC
Attachments: F. Merritt_IC 4-2-6-10.5_Disclosure (FINAL).pdf

From: Huang, John Z
Sent: Thursday, March 29, 2018 12:51:08 PM
To: Cooper, Jennifer
Cc: Cotterill, Chris W; Kimmick, Matthew; Gaddis, Kyle (IEDC)
Subject: I.C. 4-2-6-10.5 Disclosure from IEDC

Jen,

Please find attached a filing on behalf of IEDC board member Fred Merritt in compliance with IC 4-2-6-10.5. We understand that this filing will be posted on the IG website.

This wraps up all of the disclosure statement filings related to the recent IEDC board meeting last week.

Best,

John Z. Huang
General Counsel and Vice President

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