

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N725
Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA
STATE ETHICS COMMISSION

February 8, 2019

FEB 21 2019

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

FILED

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value That Will Be Received by INDOT Employees for the ATSSA Annual Convention and Traffic Expo February 8-12, 2019.

Esteemed Committee Members:

Commissioner Joe McGuinness, the appointing authority for 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 INDOT employees John McGregor, Director of Traffic Operations, and Kim Peters, Incident Management Program Director, so that they may attend the American Traffic Safety Services Association ("ATSSA") Annual Convention and Traffic Expo from February 8-12, 2019. The event is held at the Tampa Convention Center, 333 South Franklin St, Tampa, FL 33602. As outlined below, attendance at the event will benefit the public interest.

Registration fees, travel, food, and lodging for the event will be paid for through an ATSSA Public Agency Scholarship awarded to the subject employees by the American Traffic Safety Services Association. The scholarship has a total value of Two-Thousand Eight Hundred Thirty Dollars (\$2,830), including registration fees (\$1,330) and reimbursement for travel, lodging, and food (\$1,500).

The ATSSA Public Agency scholarship is funded by dues paid to the American Traffic Safety Services Association by ATSSA members. INDOT has a business relationship with several of the association's member companies. ATSSA is also a policy advocacy group for the roadway safety industry. As such, the organization's mission is in part to advance public policy aligned with member interests. ATSSA could seek to influence INDOT operations to further these interests. However, as shown below, any potential conflict arising from the gift is far outweighed by the public interest promoted by allowing the employees to attend the ATSSA Convention and Expo.

The ATSSA Convention and Expo is consists of educational courses and interactive vendor booths covering all aspects of roadway safety operations. Attendees can obtain professional certifications required by INDOT to complete roadway safety work on Indiana roads. The event includes roundtable discussions between the public and private stakeholders comprising the safety industry. This will be an opportunity for the attending employees to educate partner firms regarding INDOT's Roadway Safety Division, including technical and professional requirements, current work specifications, current and future projects, and Department performance expectations. Likewise, the employees will be able to collect information from other state DOT's regarding best practices in the management of a highway safety program, as well as from the companies driving innovation in the industry.

The employees will also learn about the newest industry standards, means and methods, and public policy developments. This experience is consistent with the statutory obligation imposed on INDOT by Indiana Code 8-23-2- 4.1(4)(A) to "evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques." Attendance at the ATSSA Convention and Expo is therefore in the express public interest, as enshrined in Indiana Code.

John McGregor and Kim Peters are responsible for directing and managing the operation of the INDOT Highway Safety Division. They participate in the development and implementation of policy, technical requirements, and program operations. The employees must be experts on the highway safety industry to adequately perform their duties. The ATSSA Convention and Expo will provide industry best educational and networking opportunities, which will enhance the employees' ability to deliver INDOT's highway safety program. The experience could result in the implementation of new policies and procedures that improve the division's effectiveness. Attendance at the event is therefore in the public interest, as it will enhance public administration of an important aspect of state highway construction and maintenance.

By attending the event, the employees will meet firms from across the industry and from across the country, potentially building new relationships with competent suppliers, contractors, and service providers. This furthers the State of Indiana's 2019 Next Level Agenda, which focuses on building a strong work force in the state. Attendance both fosters a strong and effective work force for firms with an existing relationship with INDOT, and attracts new jobs and business opportunities by connecting with new contractors and helping companies grow through INDOT work.

Based on the foregoing, it is my opinion that it is consistent with the public interest for the listed INDOT personnel to accept the ATSSA Public Agency Scholarship to attend the ATSSA Annual Convention and Traffic Expo from February 8-12, 2019. I am therefor waiving application of 42 IAC 1-5-1 (a) to allow INDOT employees Kim Peters and John McGregor to accept the items of value outlined above, worth a total of Two-Thousand Eight Hundred Thirty Dollars (\$2,830).

As ethics officer I have advised the INDOT personnel covered by this waiver that they may not accept any other item of value from any other attendee that may have a business relationship with INDOT or may seek to influence the Department. The covered employees have been directed that the safest course of action is to assume that any private entity attending the ATSSA Convention and Expo has a business relationship with INDOT or make seek to influence the Department.

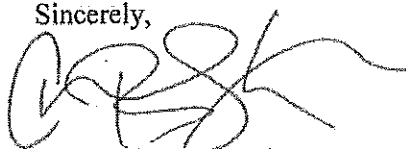
If you need additional information or have any questions about this letter, please feel free to contact me at (317) 234-2115 or chserak@indot.in.gov.

INDIANA
STATE ETHICS COMMISSION

FEB 21 2019

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Sincerely,



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

Brewer, Dale L

From: Cooper, Jennifer
Sent: Thursday, February 21, 2019 1:49 PM
To: Brewer, Dale L
Subject: FW: Executed Gift Waiver
Attachments: Executed Gift Waiver (ATSSA Convention).pdf

INDIANA
STATE ETHICS COMMISSION

FEB 21 2019

Hi Dale,

Attached is a new gift waiver from INDOT.

Thank you!
Jen

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Jen Cooper | State Ethics Director
Indiana Office of Inspector General/
State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46202
Tel: 317.234.4108
Email: jcooper@ig.in.gov
Web: www.in.gov/ig

From: Serak, Chris (INDOT)
Sent: Thursday, February 21, 2019 1:34 PM
To: Cooper, Jennifer <JCooper@ig.IN.gov>
Cc: Grand, Alison <AGrand@indot.in.gov>
Subject: Executed Gift Waiver

Good Afternoon Jen-

Please find the attached executed gift waiver filed on behalf of the INDOT personnel identified therein. This waiver is being filed within 30 days of the receipt of the subject item of value, as required by statute.

Please let me know if you have any questions or concerns.

Thank you and have a great day.

Chris

Christopher B. Serak,
Prequalification Director
Ethics Officer
Chairman, Prequalification Committee
Member, Selection Review Committee
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