



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor  
Michael Smith, Commissioner

August 13, 2024

FILED

SEP 12 2024

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 – Sarah Rubin

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 Sarah Rubin in her post-employment with EGIS.

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission. I hereby appoint Kate Shelby, Chief Legal Counsel and Deputy Commissioner, as the Appointing Authority solely for the purposes of effectuating this waiver through the Commissioner’s process.

Sarah Rubin, an eleven-year employee of INDOT, has accepted the role as the Vice President of Project Delivery at EGIS. After seeking an informal ethics opinion, INDOT is filing this waiver to address potential areas of applicability of post-employment restrictions.

This waiver is in regard to 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) as it relates to the transportation projects that Ms. Rubin was assigned during her employment at INDOT. To the extent that a particular matter restriction applies to Ms. Rubin and the transportation projects that Ms. Rubin was assigned, Ms. Rubin and INDOT have executed a screen, which was filed with the State Ethics Commission on August 12, 2024, and attached as Attachment A to this waiver. *See* Attachment A, Section II.3. This screen shall remain in effect and Ms. Rubin shall screen herself from the transportation projects she was assigned during her employment at INDOT. Further, Ms. Rubin shall not disclose INDOT’s confidential information after she leaves state employment. *See* Attachment A, Section II.4. Ms. Rubin has indicated that EGIS has an employee who can effectuate the proper screen to ensure that Ms. Rubin abides by IC 4-2-6-11(b)(1) and (c). Ms. Rubin has received an informal advisory opinion from the Office of the Inspector General regarding these matters.

**A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically 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:**

Sarah Rubin has not had policy-making, regulatory, licensing, or rule-making authority in any of her roles at INDOT. Ms. Rubin has had authority and oversight of some contracts and INDOT vendor work.

Ms. Rubin currently serves as the Deputy Director of P3 Projects at INDOT. In her eleven years at INDOT, she has served as a project manager for the I-69 Finish Line Corridor as well as Capital Program Project Delivery Support Director. Ms. Rubin’s primary roles and responsibilities have included project management for the I-69 Finish Line Corridor major transportation project, oversight of INDOT’s statewide road and bridge on-call contracts, collaboration with the INDOT Asset Management Team to develop a process for fiscal rebalancing of capital program items, and assignments on other INDOT matters including the interstate tolling strategic plan, the ProPEL Indy major transportation project, and the Illiana major transportation project procurement.

The I-69 Finish Line Corridor project is a major transportation project that Ms. Rubin has been assigned to for nine and three-quarter (9.75) years. Her work on the I-69 Finish Line Corridor project included, but was not limited to, overseeing the environmental, design, and construction of I-69 Finish Line Corridor project; attending bi-weekly progress meetings for Contracts 4 and 5, where Request for Information, submittals, Maintenance of Traffic and Erosion issues were discussed and addressed; and participating in weekly management meetings on Contract 5 and monthly Change Management meetings. EGIS managed the right of way acquisition process for the I-69 Finish Line Corridor project. Ms. Rubin also had authority over the administration or negotiation of contracts with certain consulting firms. In her role, Ms. Rubin assisted in the development of Requests for Proposal (“RFPs) for services and collected scoring details, but she was not a scorer for the contracts. INDOT employees from the INDOT Real Estate Division – a separate division – scored those RFPs and negotiated those contracts with EGIS. Once EGIS was under contract with INDOT, a different INDOT project manager managed EGIS’s services. As a result, Ms. Rubin did not directly oversee EGIS’s work on the I-69 Finish Line Corridor project or directly approve EGIS’s invoices for work on that project.

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

Ms. Rubin will serve as Vice President of Project Delivery at EGIS. In that role, Ms. Rubin will coordinate the management of the US 52 project in West Virginia, develop processes and protocols for in-house project management, mentor project managers, and facilitate interdepartmental coordination within EGIS's business units. Ms. Rubin will screen herself from EGIS's contracts with INDOT and must abide by all post-employment restrictions except those waived herein. Please see Attachment A.

**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 likely to involve matters where the agency has the discretion to make decisions based on the work of the employee:**

EGIS currently has 114 active or on-call contracts with INDOT. EGIS is in the business of providing consulting services for a wide variety and a number of organizations. Because Ms. Rubin will serve in a management role, she anticipates that she could potentially have contact with various INDOT personnel in the natural execution of transportation design projects, similar to other any project manager providing services to INDOT. However, Ms. Rubin has indicated that she will not work on any matters that she previously worked on while employed at INDOT nor on new matters with INDOT in her role with EGIS during the required periods set forth in the State Ethics Code.

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

Ms. Rubin has served INDOT for eleven (11) years as the I-69 Finish Line Corridor Project Manager and in director roles related to project completion. Ms. Rubin was essential to the completion of the I-69 Finish Line Corridor project. It took more than 40 years to complete I-69, the nation's newest interstate, with many INDOT vendors and partners having involvement in such a large and longstanding effort. As the project manager for the I-69 project, Ms. Rubin had the opportunity to collaborate with nearly every division within INDOT and many of those partners. Given Ms. Rubin's role as project manager over such a major project and the number of consultants that have worked on the I-69 Finish Line project, it would be difficult for Ms. Rubin to find employment suitable to her skills that did not include an actual or perceived conflict or need for a waiver of post-employment restrictions. Ms. Rubin has accepted employment from an organization with whom she has had very little interaction with, did not regulate, and to who she did not award any contracts or directly bestow any benefit or government funding. To not award a waiver in this situation would mean that a waiver is not awardable to Ms. Rubin for work at any other company in the Indiana transportation industry and would trap Ms. Rubin in state employment for the remainder of her career. Trapping Ms. Rubin at INDOT is against public policy. Every citizen deserves to choose their own career path. Ms. Rubin has given the state eleven (11) years of faithful service and donated thousands of extra hours to INDOT to ensure that the I-69 project was completed. INDOT will not be able to attract suitable talent to fill its many roles if the State is not able to allow someone who has done so much for the State to continue her career in the industry for another employer. Allowing Ms. Rubin to take a role at a company with whom she 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 Ms. Rubin at INDOT by not awarding this waiver will create an economic hardship for Ms. Rubin. Ms. Rubin has spent eleven (11) years of her career at INDOT earning state wages. Ms. Rubin earns a salary that is, in some cases, lower than other project managers. Additionally, there are few opportunities for advancement of position and salary for someone in Ms. Rubin's role at INDOT. Ms.

Rubin will not be able to continue to progress her career and her earnings further without seeking external employment. As explained above, Ms. Rubin was offered employment from a vendor in the transportation industry with whom Ms. Rubin has had very limited involvement and to whom she did not award any contracts and for whom she did not oversee or sign any contracts. It would be difficult to find another situation where Ms. Rubin could continue her career progression with as minimal impacts to the agency.

C. Signatures

1. Appointing Authority/state officer of 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.



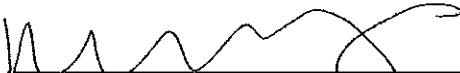
Michael Smith, Commissioner  
INDIANA DEPARTMENT OF TRANSPORTATION

9/3/2024

DATE

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).



Kate Shelby, Chief Legal Counsel  
INDIANA DEPARTMENT OF TRANSPORTATION

9/3/2024

DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission



Katherine Noel, Chair, State Ethics Commission

9-12-24

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](mailto:info@ig.in.gov)

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

# **ATTACHMENT A**

FILED

AUG 12 2024

INDIANA STATE  
ETHICS COMMISSION



**ETHICS DISCLOSURE STATEMENT  
CONFLICTS OF INTEREST – DECISIONS AND VOTING**  
State Form 55880 (R / 10-16)  
OFFICE OF THE INSPECTOR GENERAL  
IC 4-2-6-9

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Rubin	Name (first) Sarah	Name (middle)	
Name of office or agency Department of Transportation		Job title Project Delivery Support Director/I-69 Finish Line Corridor Project Manager	
Address of office (number and street) 100 N. Senate Ave., IGCN 758-CPM		City Indianapolis	ZIP code 46204
Office telephone number ( 317 ) 775-4396	Office e-mail address (required) srubin@indot.in.gov		

Describe the conflict of interest:

Sarah Rubin is the Project Delivery Support Director/I-69 Finish Line Corridor Project Manager for the Indiana Department of Transportation. Sarah Rubin has been interviewing with EGIS and has been offered employment by EGIS. EGIS has a business relationship with INDOT, including active contracts with the Department. Sarah Rubin's employment negotiations with EGIS therefore created a potential decisions and voting conflict of interest under IC 4-2-6-9. This disclosure is therefore being filed in anticipation of that potential conflict.

Sarah Rubin is subject to the mandatory cooling off period (IC 4-2-6-21(b)) with regard to EGIS.

Sarah Rubin is subject to the particular matter restriction and will not assist future employers, including EGIS with any matter she personally and substantially participated in on behalf of INDOT.

This disclosure was provided to Ms. Rubin's appointing authority, Commissioner Michael J. Smith, on August 7, 2024. Evidence of said disclosure to Commissioner Smith is filed herewith pursuant to IC 4-2-6-9(b)(2)(D). Pursuant to IC 4-2-6-9(b)(2), this disclosure was executed and filed with the SEC within seven (7) days of the potential conflict being identified by the below signed ethics officer.

A formal screen was executed with INDOT ethics officer preventing Sarah Rubin from working with EGIS in her capacity as an INDOT employee. Said screen prohibits Sarah Rubin from exercising any of her official duties or otherwise participating in any decision or vote, or matter related to such decision or vote, involving

Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

EGIS, or in which EGIS has an interest. Sarah Rubin is further screened from assisting any future employer,

including EGIS, with any matter in which she personally and substantially participated while employed by

INDOT.

This screen was executed on August 7, 2024, a copy of which was sent to Commissioner Michael J. Smith along with this disclosure.

**AFFIRMATION**

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

*Sarah E. Rubin*

Date signed (month, day, year)

*8/12/24*

Printed full name of state officer, employee or special state appointee

Sarah Rubin

**FOR ETHICS OFFICER USE ONLY**

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

*Michele D. Steele*

Date signed (month, day, year)

*8/12/24*

Printed full name of ethics officer

Michele D. Steele

**CONFLICT OF INTEREST SCREEN FOR SARAH RUBIN**

**August 7, 2024**

**I. RECITALS**

WHEREAS, Sarah Rubin is a Project Delivery Support Director/I-69 Finish Line Corridor Project Manager for the Indiana Department of Transportation ("INDOT" or "Department"); and

WHEREAS, Sarah Rubin has been interviewing with for potential employment with EGIS Group ("EGIS"); and

WHEREAS, EGIS has a business relationship with INDOT, including active contracts; and

WHEREAS, as Project Delivery Support Manager/I-69 Finish Line Corridor Project Manager for INDOT, it is possible that Sarah Rubin could be assigned to participate in matters in which EGIS has an interest as part of her regular duties; and

WHEREAS, Sarah Rubin's employment negotiations with EGIS created a potential decision and voting conflict of interest under IC 4-2-6-9 requiring disclosure and a formal screen; and

WHEREAS, Sarah Rubin is subject to the particular matter restriction (IC 4-2-6-11(a)) and cannot assist future employers, including EGIS, with any matter she personally and substantially participated in for INDOT; and

WHEREAS, Sarah Rubin may have obtained confidential information in the course of her employment with INDOT and has an affirmative duty to protect such information from disclosure and to refrain from relying on such information for the benefit of herself or future employers.<sup>1</sup>

NOW THEREFORE, Sarah Rubin, Project Delivery Support Director/I-69 Finish Line Corridor Project Manager for INDOT, for her remaining tenure with INDOT, or until she discontinues employment negotiations with EGIS, agrees to in all ways follow, adhere to, and satisfy the terms of the following Conflict of Interest Screen. Sarah Rubin must adhere to terms three (3) and four (4) regarding the particular matter restriction and confidential information in perpetuity.

**II. CONFLICT OF INTEREST SCREEN**

1. Sarah Rubin shall not participate in any decision or vote, or any matter related to such decision or vote, in which EGIS has a financial interest.
2. Sarah Rubin is screened from participating in any present or future contract or other matter involving EGIS.
3. Sarah Rubin shall not assist any future employers, including EGIS, with any matter she personally and substantially participated in while employed by INDOT. This restriction applies in perpetuity, for the life of the particular matter.
4. Pursuant to his duty under Ind. Code §5-14-3-10, Sarah Rubin shall not disclose or otherwise rely upon information classified as confidential under Ind. Code §5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

**III. EMPLOYEE AFFIRMATION**

I have read and understand the terms of the foregoing Conflict of Interest Screen, and will in all ways follow, adhere to, and satisfy the above stated restrictions on my participation in any decision or vote in which EGIS has a financial interest. I understand that the first two (2) terms of this screen terminate upon my leaving the Department or the discontinuation of negotiations with EGIS, whichever occurs first. I further understand that terms three (3) and four (4) regarding particular matters and confidential information respectively, apply in perpetuity, for the life of each matter and so long as the subject information is deemed confidential. I have shared and discussed this Conflict of Interest Screen and its requirements with my supervisor.

Executed and agreed this 7<sup>th</sup> day of August 2024, by:

*Sarah E. Rubin*

\_\_\_\_\_  
Sarah Rubin, Project Delivery Support Director/I-69 Finish Line Corridor Project Manager  
Indiana Department of Transportation

<sup>1</sup> State employees have an affirmative duty under Ind. Code §5-14-3-10 to protect from disclosure and to refrain from relying upon information defined as confidential under Ind. Code §5-14-3-4.



**Baker, Nathaniel P**

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**From:** Steele, Michele  
**Sent:** Friday, August 9, 2024 12:52 PM  
**To:** Smith, Michael J  
**Subject:** Conflicts of Interest Screen - Sarah Rubin  
**Attachments:** COI Screen- Sarah Rubin\_Signed.pdf

Commissioner Smith,

This email is to notify you that a conflict-of-interest screen will be filed for Sarah Rubin, an INDOT employee, with the State Ethics Commission.

Thank you,

**Michele Steele, J.D., LLM**  
Director of Compliance/Prequalification and Ethics Officer  
Indiana Department of Transportation  
100 N. Senate Avenue – Room N758-PQ  
Indianapolis, IN 46204  
**Office:** (317) 719-6624  
**Email:** [msteele@indot.in.gov](mailto:msteele@indot.in.gov)  
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