

Mark I. Shublak

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Mark is a partner in Taft's Public Affairs Strategies Group. He has a multi-dimensional federal, state, and local government relations practice that combines public policy advocacy with traditional legal skills. He represents clients in a wide range of legislative, regulatory, and procurement matters at all levels of government. Executives of companies, leaders of business associations, public sector entities, and important non-profit organizations regularly turn to him for his high-level strategic advice, legal counsel, and abilities to assist their organizations with solving challenges posed by the government.

Mark's legislative practice spans over 20 years, concentrating on state and local advocacy, legislative monitoring, grassroots programming, and political strategy. In this role, he has helped advance new laws across many industry sectors, including agriculture, appropriations, commerce, energy, environmental, food and beverage, gaming, taxes, and heavily regulated industries.

As a trusted legal advisor, Mark brings to Taft's clients his understanding of their business with considerable experience in successfully matching the right legal talent to the challenge and needs of businesses while managing client relationships, administrative matters, and overall client service.

His administrative and regulatory law practice focuses on administrative rules, campaign finance and election law compliance, enforcement matters, government contracts and procurement, licensing matters, and regulatory filings. Mark has represented clients in a variety of matters with local and state government agencies. He has successfully represented clients on challenging matters involving heavily regulated industries.

In the course of his practice, Mark has:

- Drafted and guided legislation to passage on the state and local levels.



Practices

Public Affairs Strategies Group
Campaign and Election Law
Public Law
Government Contracts

Industries

Alcohol Permitting and Regulatory
Health Care and Life Sciences
Regulated Industries
Technology
Transportation
Energy and Utilities
Food and Beverage
Gaming
Industrial Manufacturing
Sports
Media and Entertainment
Pesticide Manufacturing and Formulation

Education

Indiana University Robert H. McKinney School of Law (2000)
Ball State University (1993)

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- Worked to defeat legislation adverse to clients and helped advance countless new measures into law.
 - Assisted clients in successfully pursuing business opportunities with cities, counties, states, airports, hospitals, utilities, and transit agencies.
 - Provided strategic advice on project approvals, rulemaking, and administrative authorizations.
 - Advised clients on strategic communications and media relations.
 - Acted as draftsman for legislation creating the first generation of economic development incentives for tech-related business.

Mark is dedicated to the ethical conduct of government relations. He is experienced in defending and maintaining the reputations of corporations, trade associations, and public sector clients in relation to highly sensitive issues where the impact of politics, the media and the law could give rise to high-profile exposure.

Prior to private practice, Mark worked as a government relations consultant in another law firm setting. Earlier in his career, he served as an aide to the president *Pro Tem* of the Indiana Senate, to several state executive officeholders, and to election campaigns.

Mark has advised candidates in local, state, and federal campaigns. He also participates on the boards of numerous community organizations and volunteers his time for causes like promoting and growing the game of tennis, political participation, and professional issues.

Notable Matters

Mark takes particular pride in his representation of many of Indiana's iconic projects like the Indianapolis Public Library, the Indianapolis Airport, and Banker's Life Fieldhouse. Mark's has experience has included:

2022

- **Drafted and Negotiated Climate Policy for CO2 Sequestration.**
Represented a manufacturer of liquid fuels in connection with their environmental stewardship program before state lawmakers and the Governor's Office advocating for Indiana's statutory framework to capture and store carbon dioxide (CO2) that otherwise would be released into the atmosphere. Indiana is now uniquely positioned in the U.S. to significantly

lower emissions from manufacturers and other CO2 producing industries given Indiana's favorable subsurface geology.

- **Lead Drafter and Advocate for \$150 Million in State Workforce Housing Tax Credits.** After a multi-year effort charretting multiple stakeholders, key fiscal policy leaders, and executive branch officials, successfully advocated to enact legislation creating a state workforce housing tax credit paired to federal 4% tax credits and private activity bonds. The legislation will build much needed multifamily inventory in a tight housing market where the increased price of labor, materials, and development costs has reduced the equity to develop new units. Tax-exempt bonds and the syndication of Low-Income Housing Tax Credits (LIHTCs) are primary tools for developing new affordable housing or rehabilitating existing affordable housing and will create additional opportunities for investors, developers, and governmental entities to address Indiana's housing shortage.
- **Defended Indiana Businesses' Freedom to Operate Without Government Interference During the Public Health Emergency.** Addressed legislation that restricted private vaccine mandates and impaired businesses' ability to be flexible as the pandemic continued. Advocated for crucial definition changes and an exception to legislation that might have restricted private businesses' vaccine policies for sports, entertainment, and arts organizations enabling businesses to operate according to their own policies without interference from government policies while recognizing a medical or religious exemption.
- **Negotiated Economic Development Incentives and Tax Policy to Preserve Indiana's Competitiveness.**
 - Changed the criteria for receiving the **Headquarters Relocation Tax Credit** by removing the requirement for a minimum number of employees in Indiana.
 - Established a **\$300 million deal closing fund** for significant business investments of plant, equipment, workforce, and capital.
 - Allowed **film and media tax credits** specifically for companies that may not have a physical location in Indiana.
 - Simplified tax compliance and incentives for internationally dominant retailers to make Indiana more attractive for investments and national distribution centers.

2021

- **Expanding broadband accessibility and speed.** On behalf of a national membership organization, crafted the details and contours of multiple broadband bills to expand access to high speed internet across the state and fought for funding priorities to implement the program including \$250 million in funding. The COVID-19 pandemic proved that people of all ages count on high speed internet. Students rely on it to attend school and complete assignments. Older Hoosiers need it for telehealth. Expansion of broadband will help alleviate isolation and enhance access to healthcare across the state.
- **Accelerated economic recovery of Hoosier entrepreneurs and small businesses.** Advocated for the passage and amendment of the Hoosier hospitality small business restart grant program to provide grants to all Indiana businesses to accommodate economic recovery from the impact of COVID-19. Assisted multiple clients in successfully preparing grant applications that resulted in up to \$1 million in awards.
- **Advanced emergency administrative rule to ensure environmental compliance.** Worked with key decision makers in the Governor's Office, Office of Management and Budget, and Indiana Department of Health to advance an emergency rule defining gasohol and established the vapor pressure approved by the EPA so that the correct blend of fuel can be refined and sold to consumers in the winter months in Indiana.
- **Amended Indiana's alcohol law for safer and better service at big events.** Drafted language, secured support of chair and counsel at the Indiana Alcohol and Tobacco Commission, and advocated changes to the Indiana alcoholic beverage code enabling permittees at civic centers, convention centers, race tracks, and other ticketed venues where alcoholic beverages are served to better and more efficiently serve customers.
- **Advanced the production of workforce housing with tax measures.** Worked with the chairs of the Senate Tax & Fiscal Policy and House Ways & Means Committees to restore Payments in Lieu of Taxes (PILOT) for improvements on real property that are constructed, rehabilitated, or acquired for the purpose of providing low income or workforce housing ensuring positive cash flow of multifamily housing units.
- **Defended Indiana's wetland environmental laws.** Represented several leading wildlife conservation groups in defending against harmful

legislation rolling back preservation of wetland acres by advocating before committees, engaging with multiple consultations with key stakeholders, and negotiating drafts of several versions of the proposed amendment as it applied to Class I, II, and III Indiana wetlands.

- **Clarified Indiana's guardianship law.** Provided testimony in support of Senate Enrolled Act 277, Powers of Guardian After Death, that enabled a state-appointed guardians more latitude to help bring matters to a close when their protected persons die. Under prior state law, their purview was greatly limited when a ward passed away. It is an unfortunate truth that some Hoosiers who are under guardianship do not have a surviving or willing and able spouse, power of attorney, or other person close to them to handle end-of-life matters with efficiency and dignity. These are situations in which guardians can be a much-needed mercy, and SEA 276 enables them to help sooner.
- **Improved supply chain normalization.** Drafted and advocated change in law so that freight that can be considered an overweight divisible load and authorizes the transportation of commodities up to 120,000 pounds.

2020

- **Assisted client in identifying and pursuing a \$6.6M grant established by the federal CARES Act through the Governor's Emergency Education Relief (GEER) fund.** Provided strategic and communication advice for grant applications and consultations with key decision makers. The proceeds will enable technological improvements facilitating better connectivity through datacasting via public broadcasting for remote learning by school corporations and students who lack reliable internet connectivity.
- **Advocated** for legislation to perfect certification of tens of millions of dollars in Industrial Recovery Tax Credits.
- **Played a leading role** in updating Indiana's distracted driving law to require "hands-free" technology while operating a motor vehicle in motion to advance the goal of increasing roadway safety in Indiana.
- **Led negotiations** working with legislators, public health groups and retailers to craft Indiana's law raising the purchase age of tobacco and vape products to 21.

2019

- **Drafted, advocated, and secured approvals into law of key alcoholic beverage legislation** that enables essential alcohol permits for food hall vendors to benefit from the \$300 million Bottleworks project, which is transforming the old Indiana Coca-Cola bottling plant into a 1.2 million square feet mixed-use development of apartments, condos, restaurants, bars, a boutique hotel and movie theater.
- **Represented the Indiana Pacers** along with a team who developed a legislative strategy to secure a framework to fund a \$270 million renovation and expansion of Bankers Life Fieldhouse, ensuring the Indiana Pacers remain in Indianapolis for the next 25 years.
- **Enabled multimillion government procurement and contract for innovation, efficiency, and risk mitigation.** Successfully worked with government stakeholders, with a deep understanding of the client's product, to implement the procurement and execution of a government contract enabling agency transformation thru a multimillion-dollar information technology contract. The contract will enable greater innovation, efficiency, and risk mitigation enterprise-wide for all state agencies.
- **Led team to develop 2019 Omnibus Economic Development and Tax Credit Legislation.** On behalf of the Indiana Economic Development Association, worked with the Economic Development Corporation, the Governor's Office, and key legislators to lead a team of professionals providing language and strategic advice on how to modernize the Hoosier Business Investment Tax Credit Statute and the Industrial Recovery Tax Credit Statute in the form of the new Redevelopment Tax Credit. Many of the concepts proposed were adopted in the final law, including transferability of the venture capital tax credit, mutual economic development agreements with neighboring states, amendments to the Corporate Headquarters Relocation tax credit, the Certified Technology Park statute, and Opportunity Zone and New Market Tax Credit enabling language.
- **Ensured access to treatment for opioid-dependent persons.** Led a broad and active coalition of stakeholders, from the treatment, public health, and law enforcement communities, over twelve months, to negotiate, address and eliminate objections, draft, and present a draft framework that the Governor adopted on his agenda, and achieve unanimous consent in the legislature to provide accountability to office-based treatment facilities while ensuring access to treatment without erecting barriers for opioid-dependent persons.

Earlier Experience

- **Represented major industry taxpayer and drove reform of inefficient taxation model.** Indiana businesses were being penalized through an onerous personal property tax. Now Indiana heavy equipment rentals are subject to an excise tax instead, similar to how rental cars are taxed. The new common-sense tax system will increase total local tax revenues. (2018)
- **Moved Indiana to Sunday Alcohol Sales.** Represented liquor stores and advocated for change in Indiana's prohibition on Sunday alcohol sales, a law that had been on the books since 1850. Indiana was one of only 10 states at the time to bar Sunday alcohol sales, though more than 80% of Hoosiers favored ending it. Helped negotiate compromises and also met public safety concerns of state officials and legislators. Law passed in February 2018. (2018)
- **Advanced Critical Safety Legislation in Public Interest.** On behalf of a highway safety association, recruited, maintained, and deployed coalitions to achieve enhanced highway safety legislation for seatbelts, child car seats, probationary driver licenses, and ignition interlock devices, which resulted in a significant reduction of highway injuries and deaths. (2000–2015)
- **Modernized & Revitalized Local Agribusiness Association.** Provided strategic direction for key government affairs initiatives, expanding portfolio of issues to include transportation, environment, and taxes, as well as agriculture-specific items. Formed coalitions with association's multiple national affiliates and saved association millions by advocating against unreasonable legislative and regulatory changes. Association is now solvent; money can now be directed toward initiatives such as member recruitment and retention. (2012)
- **Enabled Sustainability of Public Broadcasting.** Represented nonprofit association before state lawmakers and efficiently showed legislators that public-private partnerships can deliver taxpayer value. Showed legislators that these stations provide valuable service to our communities, like early education and civic engagement. Through Mark's efforts, public broadcasting achieved its highest levels of funding in Indiana history, at ~\$3.5M, a 133% increase from the low point prior to hiring Mark. (2011)
- **Recommended Shift to Daylight Savings Time and Moved Counties to Eastern Time Zone.** On behalf of the Indiana technology community,

advocated with a coalition and consulted on amendments to support legislation passed by the General Assembly and signed into law by Gov. Mitch Daniels requiring Indiana to observe Daylight Savings Time in 2005. Successfully, petitioned the U.S. Department of Transportation on behalf of eight Indiana counties to move them back to Eastern time after their initial Central time election. In 2007, USDOT approved a petition for eight client counties to move to Eastern Time. (2005, 2006, 2007)

- **Facilitated Legislation Saving Millions in Energy Costs**, increasing transparency/accountability for energy-saving contracts between suppliers and political subdivisions in response to State Board of Accounts audit exceptions, and ensuring ongoing compliance. (2001)

Speeches and Publications

- Co-Presenter, “Lobbying and Lawmaking: Mastering the Legislative Process at the State Level,” The Riley Institute, Furman University (Dec. 13, 2023).
- Presenter, “2023 Indiana General Assembly Legislative Update for Advanced Corporate Counsel,” Indiana Continuing Legal Education Forum (Sept. 28, 2023).
- Co-panelist at the Indiana Commercial Real Estate Conference, providing a legal update and legislative issues affecting commercial real estate (Sept. 26, 2023).
- Presented a legislative report on new laws and future policy development relating to multi-family housing at the 2023 Indiana Housing Conference (Sept. 26, 2023).
- Presenter, “How Providers Can Advocate for Vaccines,” Indiana Immunization Coalition (July 13, 2023).
- Presenter at the 2022 AHAIN Affordable Housing Conference discussing the Indiana Affordable and Workforce Housing Tax Credit (Oct. 19, 2022)
- Presenter at the Association of Indiana Counties Annual Conference – “Economic Development – More Than Just Tax Abatements” (Sept. 21, 2022)
- Moderated discussion with Jonathan Blum, Principal Deputy Administrator and Chief Operating Officer, U.S. Centers for Medicare and Medicaid Services at the Indiana Life Sciences Conference, “Impact of the New Administration: HHS, FDA, CMS et al.” (Feb. 18, 2022)

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- Presenter at the NWI Forum Legislative Briefing (Feb. 4, 2022)
 - Presenter at the annual meeting of the Indiana Housing Conference, discussing legislative policy changes impacting affordable housing. (Sept. 17, 2021)
 - Co-panelist at a breakout session at the annual meeting of the Indiana Housing Conference, discussing Indiana property taxation of affordable housing. (Sept. 17, 2021)
 - Co-panelist at the Indiana Economic Development Association Spring Conference with Jim Stanton, Secretary of Commerce at Indiana Economic Development Corporation President, and Elaine Bedel, Secretary & Chief Executive Officer of the Indiana Destination Development Corporation, presenting on economic development focused laws passed by the Indiana General Assembly in the 2021 session. (June 17, 2021)

Awards

- Honoree, *Best Lawyers in America*, Agriculture Law (2021 – present)
- Honoree, Indiana Super Lawyers (2009)
- Recipient, 3M Statehouse Award for Outstanding Effort and Performance
- AV-Preeminent, Martindale-Hubbell, Peer Review Rating
- Graduate, FBI Citizens' Academy, Indianapolis Division
- Honoree, Kentucky Colonel

Professional Affiliations

- Indiana State Bar Association
Member
- Governmental Affairs Society of Indiana
Past President of the Board and Member
- National Association of Alcoholic Beverage Licensing Attorneys
Member

Community Involvement

- The Federalist Society
Past President of the Board, Indianapolis Lawyers Chapter

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- Bowen Center for Public Affairs
Past Chairman
Member, Board of Advisors
 - United States Tennis Association of Central Indiana
Member, Board of Directors
 - Indianapolis Downtown Tennis
Board Member
Past President
 - Governor's Luncheon for Scouting
Past Member, Steering Committee
Past Member, Leadership Team
 - Indiana State Museum Foundation
Member of Chairman's Council
Past Board Member
 - Indianapolis City Market
Past Board Member