



2022

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Ethics Commission websites:

Advisory Opinions, Waivers and Final Orders (www.advisory.nccethics.org)

NCC Ethics Commission (www.nccde.org/402/Ethics-Commission)

Statement of Financial Interests form (www.nccethics.org)

I. THE NEW CASTLE COUNTY ETHICS CODE AND COMMISSION

This is the New Castle County Ethics Commission's Annual Report for 2022, which was an unusual year, on many levels. The world continued to experience a global pandemic which affected all County officials and employees, as well as members of the New Castle County public. The Ethics Commission and its staff continued to adapt as seamlessly as possible to the sometimes-unpredictable needs and circumstances presented in 2022, thus meeting and exceeding the statutory mandate of the Commission, as further described in this report.

The New Castle County Code of Ethics, Section 2.03.100 et seq. and 2.04.100 et seq. (the "Code"), originally adopted in April 1990, established and codifies minimum ethical standards for County officials and County employees. It sets parameters for conduct and sanctions which may be imposed for violations, such as conduct which constitutes a conflict of interest, as defined in the Code, or an appearance of impropriety. The Commission's authority is limited to its codified jurisdiction. The Ethics Code establishes an independent set of requirements and restrictions for the conduct of County officials and employees. It does not supersede or supplant other laws, or internal regulations, policies, or rules which may impose higher standards of conduct than those which are mandated by the Ethics Code. The Code also requires detailed disclosures of financial interests by designated County officials and employees. In addition, all officials or employees doing private business with or holding interests in businesses regulated by New Castle County must also make certain disclosures.

The New Castle County Ethics Commission was created by the New Castle County Code and is responsible for administering and enforcing the Ethics Code's provisions. The Commission's primary duties include educating people on the Ethics Code, administering and maintaining financial disclosure statements, issuing formal advisory opinions, providing informal guidance, deciding requests for postemployment waivers, creating or reviewing Ethics Code amendments, and the regulation of the conduct of County officials and employees when sworn complaints are properly filed with the Commission. Regarding complaints, the Commission, through its agents and staff, conducts preliminary inquiries and formal investigations, and the Commission holds hearings concerning the Code violations alleged in the complaints, when required. This may result in the imposition of sanctions and/or disciplinary actions against the violator.

The Ethics Commission experienced several consecutive years of record-breaking levels of filed complaints beginning in 2015. To better inform persons regulated by the Ethics Code of its requirements and prohibitions, the Commission augmented its program of both mandatory and voluntary in-person education on Ethics Code provisions and ethical decision making. Since the Commission began this enhanced program, it has received a steadily decreasing number of sworn complaints. The Commission believes that its education program has contributed to the decreased

numbers of complaints filed. The Commission's training schedule is regularly posted on its website. As the number of filed complaints has decreased, the Commission has experienced a corresponding increase in the levels of consultation for informal advice or discussion about potential complaint matters and other Ethics Code issues.

The Commission met in ten (10) public meetings in 2022, including an annual meeting held on December 14, 2022. The State amended the laws applicable to public meetings such as those held by the Ethics Commission, the Commission continued to hold hybrid meetings which included both a physical anchor location and a virtual platform. Regular meetings are typically held on the second Wednesday of each month, and notices of each meeting and their respective agenda, including Zoom meeting information, are posted at the Commission's office in the Gilliam Building, on the Commission's website and sent to everyone with a County email address. Per the New Castle County Code and the Delaware Freedom of Information laws on open meetings, as well as according to orders issued in connection with the COVID19 pandemic, public business is conducted in open, public sessions, but confidential matters are considered in executive sessions as necessary, and as noticed, to maintain confidentiality per the Code. Adopted minutes of the last six (6) months of public meetings are posted on the Commission website on a rolling basis.

The Commission is comprised of seven (7) members, per the Code. The Code has structured the Commission membership to avoid political party imbalance. Four (4) members are appointed by County Council, and three (3) by the County Executive. Commissioners are appointed to staggered three-year terms. The Commissioners are volunteers and do not receive compensation from the Commission or from the County for their service, other than reimbursement for approved, actual expenses incurred. The Commissioners serve on the Ethics Commission for the cause of good government, and they freely and generously give of their talents and time to Commission matters in furtherance of the purposes of the Ethics Code and for the benefit of the citizens of New Castle County.

COMMISSIONERS WHO SERVED IN 2022

The Ethics Commission strives to reflect the diverse population of New Castle County in its membership. The Commission includes people from various backgrounds including one former State judge, one former County employee, two educators, one non-profit executive, one accountant, and two lawyers. Three of the Commissioners are retired or semi-retired, while four of them work full time, at a minimum, in their chosen professions. Nonetheless, they have all volunteered to serve New Castle County as members of the Ethics Commission.

Robert W. Ralston, Esquire

Robert W. Ralston currently serves as the Chair of the Commission. Chair Ralston is a long-term New Castle County resident and retired from practicing law after 49 active years. He graduated from Brandywine High School in 1965. Chair Ralston received his Bachelor of Arts degree in Political Science from Ursinus College in Collegeville, Pennsylvania in 1969. Chair Ralston graduated from Dickinson School of Law, *magna cum laude*, in Carlisle, Pennsylvania in 1972. He practiced law in Wilmington until his retirement. He first worked at the predecessor firm to Prickett, Jones & Elliott where he was a partner. Chair Ralston opened his own law office in 1987. His practice concentrated on the representation of the interests of employers and insurance carriers in workers' compensation matters. He is a member of the Workers' Compensation Section of the Delaware State Bar Association. Chair Ralston is a past President of his community civic association. He currently resides in North Wilmington, Delaware. Commissioner Ralston was appointed to the Ethics Commission by County Council and his third consecutive term expires December 8, 2024.

Kellie Tetrick

Kellie Tetrick currently serves as the Vice-Chair of the Commission. In the summer of 2012, Commissioner Tetrick moved to the State of Delaware when she accepted a position as a high school and GED instructor at Baylor Women's Correctional Institution. The summer of 2013, she was promoted to Teacher/Supervisor at James T. Vaughn Correctional Center. In the fall of 2014, Commissioner Tetrick accepted the position as principal of the James H. Groves Adult High School, Red Clay Center in the Red Clay Consolidated School District, where she is currently employed.

Commissioner Tetrick is a graduate of West Virginia University, where she earned a Bachelor of Arts degree in History, a Master of Arts degree in Secondary Education and a certification in Public School Administration. She began her professional career as a middle and high school social studies teacher and later transitioned to working with adults as a teacher and then administrator. This experience led her to her current position as a principal of a school for adults to learn English as a second language and/or earn a high school diploma or GED.

Commissioner Tetrick sings in the New Ark Chorale in Newark and the Delaware Women's Chorus located in Wilmington. She has traveled internationally with the Delaware Women's Choir and holds the office of secretary of the board for the New Ark Chorale. Commissioner Tetrick also serves on boards for the Delaware Association for Adult and Community Education and her local homeowner association. Commissioner Tetrick lives in Hockessin, DE with her husband, Charles Attig. She was appointed to the Ethics Commission by County Council and her second term expires on March 27, 2024.

Johanna Bishop, Ed.D.

Dr. Johanna Bishop is Director of Behavioral Science Programs at Wilmington University. Prior to coming to Wilmington University, she worked in the nuclear power industry training the trainers and conducting leadership and human performance improvement training. While working in the nuclear power industry, Johanna earned her OSHA safety training and worked safety compliance during outages and participated in the first force-on-force NRC mandated graded training exercises after 911. At Wilmington University, Dr. Bishop manages several undergraduate and graduate degree and certificate programs. In 2016, she founded the annual Human Trafficking Symposium and now organizes monthly human trafficking webinars available free to the public and professionals. She earned her doctorate in Human Resource Development/ Human & Organizational Learning at The George Washington University; holds a Master of Science in Education, and a Master of Science in Human Resource Management, from Wilmington College, and is currently working on completing her degree in the Administration of Human Justice with a concentration in Criminal Behavior and a focus on Human Trafficking. Johanna has served on the Governor's International Trade Council- International Academic Affairs Committee under the Carper administration. She is a lifetime member of the International Sociological Association and the Association of Applied and Clinical Sociology and has presented sessions about human trafficking at national conferences. She has served on the Board of the Association for Applied & Clinical Sociology and editorial review board of the *Journal of Applied Social Science*. Dr. Bishop resides in Hockessin, Delaware. Her term expires April 14, 2023.

Brandon Brice

Commissioner Brandon Brice has stayed true to his commitment to service and learning, by earning a Bachelor's in Business Administration from Howard University and a Master of Science from Rutgers University. As a Graduate student, he served as a fellow for the Heritage Foundation in Washington, D.C.

Beginning his career as a staffer working on Capitol Hill for the Office of former United States Speaker J. Dennis Hastert, upon graduation, Brandon served as an Associate with the National Urban League's Economic Opportunity Institute, fighting for minority small business owners. He then served as Director of Education and African American Affairs in the Office of the New Jersey Governor, the Honorable Chris J. Christie. Commissioner

Brice's work focused on early education programs, K-12 education policy for stakeholders in Camden, Newark, Patterson, and Trenton. He later served as a Director for the Veterans Empowerment Organization, focusing on serving military families assisting homeless returning veterans from combat. Commissioner Brice lead a Statewide workforce initiative with the Boy Scouts of America's Career Exploring Programs and today serves as Director of Philanthropy and Equity for the United Way of Delaware.

Commissioner Brice has given lectures at Princeton University, the Baltimore Harbor League, the National Black Law Students Association, the American Enterprise Institute and the Hamilton Society in Washington, D.C. He is a 2018 recipient of the Michigan Chronicle's Distinguished Men of Excellence Award and the Spirit of Detroit Award in 2018. Brandon is also a proud member of Alpha Phi Alpha Fraternity, Inc., 100 Black Men of Delaware and Prince Hall Masonic Grand Lodge of Free and Accepted Masons in Delaware. Brandon serves on the Board of the Wilmington Rotary, Great Oaks Charter School, the Lincoln Club of Delaware, the Delaware Safety Council, the Delaware Magistrate Judicial Screening Committee, Boy Scouts of America Del Mar Va Council, and the Caesar Rodney Institute. Commissioner Brice resides in Wilmington, DE. Brandon was appointed by the County Executive to the Ethics Commission in 2021, and his term expires October 26, 2024.

Robert Hicks, CPA, PMP

Robert Hicks has over 40 years of private and public sector experience and is a certified public accountant and certified project management professional. In addition to previously holding the positions of Deputy Auditor for the State of Delaware and County Auditor for New Castle County, Commissioner Hicks has held leadership positions at several companies with national and international presence. He has also served on the Board of Governors and as Treasurer for Common Cause Delaware (a nonpartisan government watchdog group whose mission is to promote open, ethical, and accountable government) and an officer for the Salem Woods Civic Association.

Commissioner Hicks is a graduate of Temple University where he served as the President of Beta Alpha Psi, the accounting honor society. He was born and raised in Philadelphia, PA and is married with two daughters. Commissioner Hicks resides in Newark, Delaware. He was appointed by County Council and his term expires on May 12, 2023.

Sally Jensen

Sally Jensen retired in May 2014 after nearly forty-three years as an employee of New Castle County. Commissioner Jensen started her career as a secretary in the Department of Planning & Zoning in 1971 and worked her way up to Executive Secretary in 1990 in the Recorder of Deeds office. She continued to move up the scale as she went on to become a Confidential Assistant for several years with Land Use Code Enforcement, Customer Relations & Assistance, and Community Governing. At the time of her retirement, Commissioner Jensen served as an Acting Customer Information and

Assistance Coordinator. Commissioner Jensen was a member of Team Quest, which received the Jefferson Award for Public Service in 2005. Commissioner Jensen currently serves as 2nd District Councilwoman on the Town of Elsmere Town Council and serves on the Board of Directors of the Elsmere Police Needy Family Fund. She is also a volunteer at Forgotten Cats, Inc. Commissioner Jensen lives in Elsmere. Commissioner Jensen was appointed to the Ethics Commission by the County Executive and her second consecutive term expires July 8, 2023.

Charles H. Toliver, IV, Esquire

Charles H. Toliver is a former two-term Judge of the Delaware Superior Court, having been appointed in 1990 as an Associate Judge by Governor Michael N. Castle, and reappointed in 2002 in that capacity by Governor Thomas R. Carper. He retired in May 2014. During his 24 years on the bench, Judge Toliver presided over numerous significant civil and criminal cases. In June 2014, he joined the law firm of Morris James as a member of the firm's Alternative Dispute Resolution Practice. In 2019, he retired from Morris James. Judge Toliver subsequently became counsel to the law firm of Leroy A. Tice, Esquire, with a limited focus on civil litigation, mediation, arbitration, and case analysis/evaluation.

Judge Toliver formerly served as Assistant City Solicitor for the City of Wilmington from 1975 to 1978. From 1978 until his appointment to the Superior Court, he was engaged in the private practice of law with Leonard L. Williams & Associates and Biggs & Battaglia, both in Wilmington. Judge Toliver has also served as an instructor at the University of Delaware and Delaware State University.

He is a member of the Board of Directors, Eastside Charter School; the Board of Directors for Brandywine Counseling and Community Services and the City of Wilmington Ethics Commission. He is also a former Chairman of the Wilmington Housing Authority and has served as a member of the Delaware Public Employment Relations Board, the Delaware Violent Crimes Compensation Board, the Wilmington Pension Arbitration Board, and St. Anthony's Community Center. In 2003, Judge Toliver was appointed as one of the two representatives from the *State of Delaware on the Brown v. Board of Education* 50th Anniversary National Commission by President Bush. Before being appointed to the Delaware Superior Court, he served as Treasurer and Assistant Treasurer of the Delaware State Bar Association and as an associate member of the Board on Professional Responsibility of the Delaware Supreme Court. Judge Toliver resides in New Castle County, Delaware. He was appointed to the New Castle County Ethics Commission by County Executive Matt Myers. His term expires September 8, 2023.

II. COMMISSION OFFICE AND STAFF

Julie M. Sebring, Esquire, serves as the Ethics Counsel and Chief Legal Officer to the Ethics Commission, by contract with the Commission, and as provided in the County Code. Ms. Alison Lewis is a part-time County employee hired by the Ethics Commission to serve as its Confidential Assistant. The Commission's office hours are Tuesday, Wednesday, and Thursday from 8 a.m. to 4 p.m. Its telephone number is (302) 395-5127. It is in the New Castle County Gilliam Building at 77 Read's Way, New Castle, Delaware, 19720. Its confidential mailing address is P.O. Box 12003, Wilmington, Delaware, 19850. Since the COVID19 pandemic began, both Ms. Sebring and Ms. Lewis established home offices for their respective Commission-related work.

Ms. Sebring has almost four decades of experience as a practicing attorney and an active member of the Delaware Bar. Her resume includes many years of private practice, but most of her legal career has been dedicated to government and public service, including service as an Assistant County Attorney under four different County Executives. Throughout her career, she has devoted much time to community-oriented pro bono work and served as an appointed member on the United States Commission on Civil Rights for the State of Delaware. As Ethics Counsel and Chief Legal Officer to the Ethics Commission, Ms. Sebring's duties include drafting advisory opinions, conducting preliminary inquiries of complaints filed which allege Ethics Code violations, supervising the financial interests disclosure process, drafting regulations and relevant ordinances, reviewing proposed legislation relating to the Commission and the Code of Ethics, handling inquiries for guidance about the Ethics Code and Commission procedures from interested persons, responding to subpoenas and Freedom of Information requests, providing legal counsel to the Commission, training County officials and employees in Ethics Code matters, supervising the Commission office, and such other duties as the Commission directs. Ms. Sebring resides in New Castle County, Delaware.

Alison Lewis brings over twenty-five years of service in government to the Ethics Commission office. After her lengthy tenure of service in the Delaware Attorney General's office, Ms. Lewis was hired by New Castle County and is essential to the operations of the Ethics Commission office. Her duties as the Confidential Administrative Assistant include administering the Commission Office and budget, maintaining the Commission website and electronic filing sites, preparing training materials for publication, preparing agenda, drafting the minutes of the Commission meetings, performing legal assistant duties for Counsel, and many other duties as directed by the Commission. The nature of the position held by Ms. Lewis requires much independent work, and her skills, experience, and professionalism give her the ability to provide the Commission with

consistently high-quality work, even when circumstances change without much notice. Ms. Lewis resides in New Castle County, Delaware.

In 2022, the Commission created uniform Commission email addresses. Ms. Lewis's new email address is alison.lewis@nccethics.org and Ms. Sebring's new email address is julie.sebring@nccethics.org.

III. COMPLAINTS, PRELIMINARY INQUIRIES, INVESTIGATIONS

A sworn and signed complaint may be filed by anyone who has a good faith belief that a New Castle County official or employee has violated the Ethics Code. The complaint form can be found on the Commission website at www.nccde.org. or by contacting the Ethics Commission Office at (302) 395-5127. For a confidential discussion, Ethics Counsel can be reached at (302) 932-8719. Complaints must be filed within 5 years of the time of the violation. Complaints filed which are determined by the Commission to be frivolous can result in a penalty being imposed upon the complainant. Anyone who would like to file a complaint is recommended to consult with Ethics Counsel before submitting a complaint form. The identity of the person who has filed a non-frivolous, good faith complaint is not disclosed to anyone other than the Commission and its agents and staff, as necessary to process the complaint. The Commission maintains its electronic confidential documents and communications on servers which are separate and distinct from the New Castle County government servers.

The complaint process is initiated when a person hand delivers or mails a written and sworn confidential complaint to the Commission alleging that the conduct of a County official or employee, regulated by the Ethics Code, has violated the New Castle County Code of Ethics. The Commission first determines whether it has jurisdiction and whether the complaint states a claim of a violation of the Ethics Code and may authorize its counsel to make a preliminary inquiry of public and private materials about the issue(s) alleged. The Code provides for a period of sixty (60) days for the performance of the preliminary inquiry. After the preliminary inquiry, if a formal investigation is deemed appropriate by the Commission and commenced, the Commission directs its counsel to hire an independent investigator who is given the full authority of the Commission and the Ethics Code to determine the facts through interviews and document review, which can involve the use of subpoena power. Once an investigation is initiated, it must be completed in 270 days or less.

Following the formal investigation, if no violation is found, the complaint is dismissed. If, after investigation, a violation is supported by evidence which is discovered in the investigation, the Commission directs its counsel to issue a confidential probable cause

report which is sent to the subject of, or respondent to, the complaint. The subject or respondent may respond to the probable cause report in writing and can demand a confidential evidentiary hearing. The respondent is given access to evidence which will be used at the hearing to support the Commission's probable cause report, although the identity of the complainant remains confidential. If the finding of probable cause is not sustained at the hearing, the identity of the respondent remains confidential. If a finding of violation is agreed to or sustained after a hearing, the sanctions imposed by the Commission, per Code, may include: (1) a letter of notification; (2) a letter of admonition; (3) a reprimand; (4) a recommendation of removal from office or employment, a recommendation of suspension from office or employment, and/or a recommendation for prohibition on future appointment or employment; or (5) a recommendation that the respondent shall not be appointed or employed in New Castle County government for a period of ten (10) years subsequent to the issuance of the recommendation.

If the Commission recommends reprimand, the Commission may include the name of the offender in the Order. If a recommendation of suspension, discharge, or prohibition on future employment is made, the Commission is required to include the name of the offender in the Order. The name of the complainant is not revealed to the public. In certain circumstances, costs and/or financial penalties may be imposed.

One complaint was filed in 2022. A preliminary inquiry per the Code was performed per by Ethics Counsel. The Commission voted to dismiss the complaint without formal investigation. There are some complaints filed before 2022 which are in the process of being resolved in the form of a consent order (or orders). Anyone interested in filing a complaint with the Ethics Commission is encouraged to contact Julie Sebring, Ethics Counsel, to confidentially discuss the matter prior to filing a complaint.

IV. ADVISORY OPINIONS, WAIVERS AND FINAL ORDERS

All advisory opinions, post-employment waiver decisions, and Final Orders issued since 1991 are stored and searchable by search term or phrase on the Commission website, www.nccethics.org. For a document which includes a chronological listing of synopses of all the Commission's decisions since 1991, please visit the Commission' website www.nccde.org. In this Annual Report, Section III contains synopses of the opinions and orders issued in 2022 by the Commission.

If a County official or employee is uncertain about whether his or her proposed conduct will comply with the Ethics Code, that person (or his or her supervisor or appointing authority) may submit a signed written request to the Commission seeking its advice. The Commission will then consider the matter and issue an advisory opinion as soon as

practicable, depending on the timing of the filing of the request vis a vis the Commission meeting schedule, whether the materials needed for review by the Commission have been provided in a timely manner, and the urgency of the matter under review. Ideally, the Commission will issue its opinion within a month of the submission of the request, however, the timing may vary depending on the Commission's availability and workload. The advisory opinion is published and posted on the Commission's website, with personal identifying information redacted if confidentiality is requested, so that other officials and employees have the benefit of the Commission's interpretation of the Code and the opinions precedent while maintaining confidentiality.

The form "Request for an Advisory Opinion" is available to officials and employees in the Commission office or as a download from the website at www.nccde.org. Requesters are encouraged to consult with Ethics Counsel before submitting a written request, if possible. In 2022, the Commission received three (3) requests for formal, written Advisory Opinions. While the Code provides for the issuance of a formal written advisory opinion only to persons covered by the Code, anyone may contact the Commission for information regarding the application of the Ethics Code. Indeed, a very large part of Ethics Counsel's time is devoted to responding to inquiries requesting informal Ethics Code advice.

The Ethics Code prohibits an official or employee from certain forms of employment with the County for a period of two years following termination or retirement from County service if the former official or employee offered an opinion, directed an investigation or was directly and materially responsible for the subject matter of the new employment when he or she was employed by the County. Under certain limited conditions, the Commission may grant a waiver of this post-employment prohibition on the written application of the former official or employee, or County department. In 2022, the Commission received one (1) request for a written, formal waiver from post-employment restrictions contained in the Code. Ethics Counsel, however, received an increasing number of inquiries for informal advice on this subject in 2022 as the challenges in the employment market continued to develop in that year.

Anyone with any questions about decisions issued by the Ethics Commission, how to request an advisory opinion or a request for a waiver, or how to file a complaint, is strongly encouraged to contact the Ethics Commission Office at (302) 395-5127.

V. EDUCATION

We are living in a time during which the subject of government ethics continues to be especially relevant, and citizens are interested and involved. Government ethics

organizations and agencies everywhere in America, and beyond, are experiencing increasing challenges and demands. As part of the Commission's efforts to keep its Commissioners and staff abreast of developments in the broad and challenging field of government ethics, the Commission continues to maintain membership in the Council on Governmental Ethics Laws ("COGEL"). COGEL addresses local, national, and international government ethics issues through publications, its website, and an annual conference. After two (2) years of holding its annual conference virtually, the 2022 COGEL international conference was held in Montreal, Canada. Two (2) New Castle County Ethics Commissioners, as well as its Counsel, attended this conference.

The Commission believes that education on the Ethics Code and ethical decision-making persons regulated by the Code is critical and necessary for creating and maintaining an ethical County government. Before the institution of pandemic-related health and safety measures, the Commission offered this education through in-person training. Since the pandemic began, however, the Commission has held most of its formal ethics Code training with the Zoom meeting format. The Commission also provides education and guidance via its publications, available and distributed in hard copy and/or electronically, and through consultation with Ethics Counsel. Some years ago, the County hired outside consultants to fly to Delaware to provide ethics training to its employees, at considerable cost. Despite the distinguished credentials of the consultants hired for this purpose, the feedback received was not particularly positive. In 2017, the Commission formed its own Training Committee of persons with practical experience with the New Castle County Ethics Code and Ethics Commission, and personal connections to New Castle County, to perform the training. The Commission believes that data shows that its education program has had positive results. Additionally, the feedback which the Commission continues to receive about its training program is very positive.

The Commission's Training Committee includes Vice Chair Kellie Tetrick; Commissioner Sally Jensen; Commissioner (Dr.) Johanna Bishop; former Ethics Counsel Rosemary Killian, Esquire; Dr. Ray Carr, the Commission's independent investigator; Ms. Alison Lewis, Confidential Assistant to the Ethics Commission; and Julie Sebring, Esquire, Ethics Counsel. Additionally, several Commissioners regularly attend the training sessions, including Commissioners Sally Jensen, Johanna Bishop, and Robert Hicks, and they provide unique insights from an Ethics Commissioner's point of view. The Commission's training program is designed to provide information about, and training on, the New Castle County Ethics Code. In 2022, such training was provided on at least a monthly basis. The Commission will continue its training efforts so that every County official and employee receives Ethics Code education. Since the pandemic began, the Commission's Training Committee has refrained from holding in-person training, for the

most part. Written training materials were electronically provided to each attendee prior to the training.

The Commission would not be able to implement its training program without support from County management and County Council. In particular, and since the inception of the Commission's training program, the County's Office of Human Resources has provided indispensable support and the Commission appreciates it very much.

The vast majority of people who attended Ethics Code training sessions in 2022 were County employees who are not management personnel. The Commission recognizes that it can be challenging for management level County officials and employees to attend a two-hour Ethics Code training session once a year because of competing interests for their time. Given that respondents to Ethics Code complaints are almost always management level officials or employees, the Commission continues to strive to provide effective Ethics Code training to such officials and employees.

Additionally, the Commission maintains a link on the New Castle County website at www.nccde.org to the Commission's website which includes a searchable database of all published Ethics Commission Advisory Opinions, Waiver Opinions, and Final Orders on filed complaints. The website also includes the Commission's confidential email address at ncc.ethics@comcast.net which can be used to contact the Commission for information. The link and the email address are electronically and physically independent of the County network to allow for confidentiality in its communications. The Commission does not track visitors to its website.

VI. DISCLOSURE OF FINANCIAL INTERESTS

The New Castle County Code requires the Department of Human Resources to provide the Commission with the names of those persons, by job classification, designated in the Ethics Code to file an annual Statement of Financial Interests for the prior year. The Commission sends instructions to each person designated and the responses are electronically filed. Forms filed by elected and appointed officials are subject to public inspection and copying. The forms filed by many County employees are not subject to public review unless the employee also serves as a member of one of the County Boards specified for disclosure by the Code. Candidates for County elective office are also required to file a Statement of Financial Interests form as a condition for being sworn into office and their forms are available for public review. Any disclosure form provided by the Commission for public viewing will not include information which the courts have recognized as private matters notwithstanding the status of the filer as a public official or employee.

Electronic filing of the Statement of Financial Interests is mandatory. Filers use the password protected and encrypted electronic filing site, www.nccethics.org. Forms are retained on that site per Code for five years and filers can review any form they filed during that period. That website also provides for the public viewing of all forms which the New Castle County Code designates as public.

The Commission views the filing of the Statement of Financial Interests as having at least a two-fold purpose: first, the filed forms may alert the Commission to possible violations of the Ethics Code; and second, they may serve as an educational reminder about the restrictions of the Ethics Code which apply to County officials and employee filers. This Annual Report includes a chart showing the numbers of annual 2021 Statements of Financial Interests filed in 2022 by designated County officials and employees.

Additionally, the Code requires written disclosure to the Human Resources Office if an individual has a financial interest in a business which is regulated by or contracts with the County. These disclosures are confidential but available to the Commission.

The following is an analysis of the 2021 Annual SFI filings, which were due by May 1, 2022. Per the Code, people designated on a list furnished by the Department of Human Resources are required to file.

**ANALYSIS OF YEAR 2021 STATEMENT OF FINANCIAL INTERESTS FILING
BY DEPARTMENT/DIVISION, ELECTED OFFICE, BOARDS/COMMISSION**

DEPARTMENT/ DIVISION	REQUIRED	RECEIVED
ADMINISTRATIVE SERVICES	5	5
COMMUNITY SERVICES	17	17
FINANCE/ASSESSMENT	28	28
HUMAN RESOURCES	1	1
LAND USE	71	70
LAW	12	12
PUBLIC SAFETY	8	8
RISK MANAGEMENT	1	1
SPECIAL SERVICES	40	40
ELECTED OFFICE		
COUNCIL	15	15
CLERK OF THE PEACE	2	2
EXECUTIVE, OFFICE OF	8	8
RECORDER OF DEEDS	2	2
REGISTER OF WILLS	3	3
SHERIFF	2	2
BOARD/ COMMISSION		
AUDIT COMMITTEE	5	5
BOARD OF ADJUSTMENT	7	6
BOARD OF ASSESSMENT REVIEW	8	8
BOARD OF LICENSE INSPECTION & REVIEW	5	5
BOARD OF PENSION TRUSTEES	12	9*
DRAC	15	15
ETHICS COMMISSION	9	9
FINANCIAL ADVISORY COUNCIL	8	7
PLANNING BOARD	9	9
HISTORIC REVIEW BOARD	7	7
FORMER, RETIRED, TERMINATED	13	11
TOTAL	313	305

*(+3 employees)

VII. ETHICS CODE AMENDMENTS

In 2019, the Commission launched the considerable undertaking of a comprehensive review of the Ethics Code, and possible Code revision through the creation of the Ethics Code Review Committee (“ECRC”). The ECRC is a subcommittee of the Commission’s Administrative Committee, one of the Commission’s standing committees. The ECRC is chaired, as a committed and tireless volunteer, by Kathryn Denhardt, Ph.D. Dr. Denhardt Chair Denhardt is a former Ethics Commissioner and is an expert, consultant, and educator in the areas of ethics, leadership, and organizational management. The ECRC met on the first Thursday evening of the month. Its agenda and meeting minutes are posted on the Commission’s website. At varying intervals, the ECRC provided the ethics Commission with memoranda containing its recommendations for County Code reform. In 2022, the ECRC provided the Ethics Commission with its final memorandum about recommended Code amendments and the Commission’s Administrative Committee met several times to review and revise the recommended Code amendments. In late 2022, the entire Commission adopted the recommendations made by the Administrative Committee.

VIII. INTERACTION WITH THE PUBLIC

The Commission’s open public meetings, website, and confidential email address are intended to foster interest in, and access to, the business of the Commission and to assist the public in understanding the ethical principles in the Code as applied to functions of County government. While a large portion of the Commission’s work is confidential and therefore not disclosed to the public, the Commission welcomes the public’s interest and feedback in those Commission matters which are open to public review. Information about the Commission can be found on the County’s website and the Commission’s website. The Commission responds to properly constituted FOIA requests in as timely a manner as staffing and workload allows. Interested people may consult with the Commission’s legal counsel for information about the Ethics Commission and the Ethics Code.

IX. ANNUAL REPORT AND ANNUAL PUBLIC MEETING

The Commission published its 2021 Annual Report to the County Executive and County Council on February 1, 2022. The Annual Report provides a basis of information for the public to enable it to evaluate the work of the Commission. More information can be obtained by contacting Ethics Counsel.

Per Code, the Commission is required to hold at least one meeting per year and, in 2022, its annual meeting was held on December 14, 2022, as a hybrid meeting with an anchor

location and via Zoom. This annual meeting, like each of the other nine (9) monthly public meetings, served the purpose as stated in the Code of Ethics: “to seek input from persons and organizations who represent any individual subject to the Ethics Code and from other interested parties.”

X. FUNDING

By law, the Ethics Commission is funded by the New Castle County Council. The Commission does not have possession of the funds budgeted for its work; its funding remains in the possession of the County and is administered through the County Finance Department. For fiscal year 2022, which ended mid-year on June 30, 2022, the Ethics Commission was funded by the New Castle County government in the amount of \$344,366. The Commission did not use the entire amount funded that year, and the unused allocation was returned to New Castle County. For fiscal year 2023, which began on July 1, 2022, the New Castle County government funded the work of the Ethics Commission in the amount of \$354,805. That budgeted amount covers the second half of calendar year 2022 and the first half of calendar year 2023. As in past years, any funds provided to the Ethics Commission which are not used for its work in the current fiscal year will be returned to the County.

With the amount allocated to the Commission by the County government, the Commission was able to continue to adequately staff its office; maintain files containing confidential mailing and email addresses; maintain and update the searchable Opinion, Waiver, and Order database linked to the County website, www.nccethics.org, support and update its electronic Statement of Financial Interests filing system; purchase or lease necessary office equipment; hold and conduct its monthly meetings; hold and conduct meetings of the Ethics Code Review Committee; respond to formal and informal inquiries about the application of the Ethics Code; handle complaints by investigation and final resolution; and conduct many formal and informal Ethics Code training sessions for County officials, County employees, and members of the public. In addition to newly filed matters, the Commission is continuing its work on the resolution of pending complaints. Other than the Commissioners, who are unpaid volunteers, work on such matters require participation of Ethics Counsel, the Commission’s independent investigator, and the hearing prosecutor, who are contracted by the Commission and paid from funds allocated to the Commission by the County for those purposes.

XI. GOALS

The Commission plans to continue to provide training on the Ethics Code and ethical decision making to County officials and employees. The Commission believes that its

regular public monthly meetings, its brochures and training materials, the website with the searchable database, and the accessibility of its staff all provide access to information on the Ethics Code and support increased public awareness of the County's Ethics Code.

The Commission will present its recommended County Code amendments to County Council and County management and will work to have its recommendations codified.

In 2023, the Commission will send instructional materials to all 2022 Statement of Financial Interests annual filers to assist them in the use of the electronic filing site.

Further in 2023, the Commission will add to its website a central, County-wide gift log website which will be available for public inspection by anyone electronically at any time.

Complaint matters filed in prior years will continue to be moved forward with an eye toward resolution in 2023 either through the evidentiary hearing process or through the issuance of consent orders.

The Commission believes there is a public need for strong regulation and enforcement of the Ethics Code. The Commission's work has been and will continue, in 2023, to be geared toward that goal, including the facilitation of an increased understanding of the Ethics Code by County employees, County officials, and the public at large.

2022 SYNOPSES OF ADVISORY OPINIONS, WAIVERS, AND FINAL ORDERS

XII. Advisory Opinions

AO22-01: A member of the Public Safety Department asked the Commission whether the County may accept a grant for a police canine if the grantor requires the placement of language related to its organization on the canine unit patrol vehicle. The Commission decided that per the conditions outlined in the opinion, the County could accept a grant to receive a police canine free of charge which carried a condition that the canine unit police vehicle display the name of the donor organization. The Commission limited the opinion to the receipt of one police canine. The Commission recognized the value of the interaction between the police department and the community at large with respect to the high level of interest in police canines and the desire of citizens to be a part of the police canine experience. The Commission also stated that if any additional conditions were placed on the gift, the County was advised to contact the Ethics Commission for further review of the matter.

AO22-02: The Ethics Commission recently received a request for an advisory opinion regarding service on a non-County board. The requester had been serving on the board for several years. The requester had recently been promoted to a position as an appointed official. Due to that change in position, the requester believed that their service on that board now required the Commission's approval. The Commission determined that the change in employment status of the requester did not affect the need for an advisory opinion. And because the conduct was ongoing, and not prospective, an advisory opinion the Commission lacked statutory authority to provide an advisory opinion for ongoing conduct.

AO22-03: The County employee requester sought the Ethics Commission's advice on how to run for elective County office while working for the County. The requester was aware that the law prohibited them from using County resources in any form for a campaign for office. They asked whether they must take a leave of absence from County employment to run for office. And they were especially concerned that even if they confined their campaigning to non-work hours, an incorrect perception could be created that County resources were being used for the purposes of getting elected. The Commission agreed with the requester that no County resources could be used on their campaign, but declined to issue a written advisory opinion because the question posed was open-ended and, at least in part, hypothetical. For the Commission's advice to be meaningful, requesters must provide the Commission with a fact pattern which includes details. The Commission encouraged the requester to contact Ethics Counsel if specific Ethics Code issues arose as their campaign moved forward.

Waivers

W22-01: The Commission was asked whether a waiver of Section 2.03.103.D of the New Castle County Code could be waived to contractually employ a former County employee to continue administering the New Castle County Scholarship Program. The County employee who had been administering the Scholarship Program left County service for a job in the private sector in the middle of the Scholarship evaluation and award process. The Commission granted the waiver request on the strict condition that the waiver be executed per the conditions in the opinion. The Commission reasoned that, on balance, the undue hardship to the County in enforcing the post-employment provision exceeded the personal benefit to the former employee. The work to be performed by the former employee is potentially life-changing for some County residents in wide-ranging and positive ways and, in turn, the granting of the waiver could enhance life in New Castle County for everyone.



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