NEW CASTLE COUNTY ETHICS COMMISSION
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Wilmington, Delaware 19803
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DISCLOSURE OF FINANCIAL INTEREST IN A PRIVATE ENTERPRISE THAT IS REGULATED BY OR DOES BUSINESS WITH NEW CASTLE COUNTY

INSTRUCTIONS

New Castle County Code section 2.03.104 (C) states:

> **Any County employee or County official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any County Department shall file with the Commission a written statement fully disclosing the same. Such disclosure shall be confidential and the Commission shall not release such disclosed information, except as may be necessary for the enforcement of this Division. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the County.**

This form is intended to assist County employees and officials to comply with this New Castle County Code requirement to disclose financial interests in a business which is regulated by the County or which does business with the County. "Regulated by or does business with New Castle County government" does not include business or other enterprises that merely make payment of property taxes or sewer fees. Residential real estate located in New Castle County and leased to others is regulated under the County Code and such ownership must be reported.

If you do not have such an interest answer only the first two questions on the form, sign and date the form and return it to the Ethics Commission. If you do have such an interest, you must answer all questions. Disclosure does not validate the interest under the Ethics Code but only satisfies the Code requirement to disclose an interest. The form will be reviewed by the Commission for compliance with the conflict of interest and appearance of impropriety sections of the Ethics Code. County employees or officials are encouraged to consult the Commission, review the Ethics Code, and/or request an Advisory Opinion to determine whether a business interest is permissible.

The form is confidential and is not open to public inspection in any case except where necessary to enforcement action by the Ethics Commission.

DEFINITIONS

"Private enterprise" means activity conducted by any person, whether for profit or as a not for profit and includes ownership of real or personal property. It does not include any activity of the Federal, State, or local government or any department, authority or instrumentality of those governments.

"Person" means a business, governmental body, individual, corporation, union, association, firm, partnership, committee, trust, joint venture, club or other organization or group of persons.

"Financial interest" means any interest representing more than five (5) percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, stock company, receivership, trust, or any legal entity organized for profit.

"Authority of office or employment" means the actual power provided by law, the exercise of which is necessary to the performance of duties and responsibilities unique to a particular County office or position.

"Confidential information" means information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

***DISCLOSURE OF FINANCIAL INTEREST* FORM**

Complete this form by filling in the appropriate responses and return the completed form to:
New Castle County Ethics Commission, PO Box 7327, Wilmington DE 19803.

1. Do you have a financial interest in a private enterprise which is regulated by New Castle County? **No _____** **Yes _____**
If you answered "Yes", describe the enterprise and the nature of its regulation by the County:

_____

2. Do you have a financial interest in a private enterprise which does business with New Castle County? **No _____** **Yes _____**
If you answered "Yes", describe the enterprise and the nature of its business with the County:

_____

IF YOU ANSWERED "No" TO BOTH QUESTIONS 1 AND 2, SKIP TO LINE 11 AND COMPLETE THAT SECTION ONLY. Complete Questions 3-10 if you answered "Yes" to Question 1 or 2. Attach additional page/s as needed.

3. While acting in your official capacity, did you use the authority of your office or employment for the benefit of the private enterprise listed above? **No _____** **Yes _____**
If you answered "Yes", describe how you used your authority:

_____

4. Did you use any confidential information received through the holding of County office or employment for the benefit of the private enterprise listed above? **No _____** **Yes _____**
If you answered "Yes", describe the confidential information and how you used it:

_____

5. Do you have reason to believe that the private enterprise listed above may be involved in decisions to be made by you in your official capacity? **No _____** **Yes _____**
If you answered "Yes", describe the official decisions that may affect the private enterprise:

_____

6. Did you represent or otherwise assist the private enterprise with respect to any matter before the County Department with which you are associated by employment or appointment? **No _____** **Yes _____**
If you answered "Yes", describe the assistance you provided:

_____

7. **FOR COUNTY OFFICIALS ONLY** (Elected or Appointed): Did you represent or otherwise assist the private enterprise with respect to any matter before any County Department or Agency? **No _____** **Yes _____**
If you answered "Yes", describe the nature of your representation or assistance:

_____

8. If there is a contract between the private enterprise and the County, is it valued at more than $500.00 and obtained without arms length negotiation or public bidding? **No _____** **Yes _____**
If you answered "Yes", describe the contract by Department, amount, and date and attach a copy of the contract.

_____

9. Did you use your public office to secure any business dealings for the private enterprise? **No _____** **Yes _____**
If you answered "Yes", describe your activity:

_____

10. Have you disclosed any confidential information gained by reason of holding public office or employment for the benefit of the private enterprise or for personal gain or benefit? **No _____** **Yes _____**
If you answered "Yes", describe the way you used the confidential information:

_____

11. SIGNATURE _____ Date _____

_____ Home Phone _____
PRINT NAME
Dept&Office Phone _____Home Address _____

Revised 9/05 _____Zip _____