## NEW CASTLE COUNTY ETHICS COMMISSION PO Box 7327, Wilmington DE 19803 (302) 395-5127

Advisory Opinion requests can be made electronically (<u>click here</u>) or a form can be downloaded and printed for your use.

Advisory Opinion requests are accepted **ONLY** from County officials or employees.

# REQUEST FOR ADVISORY OPINION FORM

If you, as a County official or employee,<sup>1</sup> have a question regarding your duties (or the duties of a County official or employee within your authority) under the New Castle County Ethics Code, complete this form and the Commission will issue an advisory opinion to you.<sup>2</sup>

Name:		
Work phone number:		Home:
Work addres	es:	
Home addre	ss:	
Check one:	I prefer to be contacted at: Work	Home:
Check one:	I will attend a hearing before the Commission, if the Commission, in its sole discretion, believes it would be helpful to its determination: YesNo	
Check one:	I understand that if a hearing is waiver of confidentiality as to the pr	<del>-</del>

<sup>&</sup>lt;sup>1</sup> The Ethics Code covers all County employees and all County officials, including all persons elected or appointed to any County office, board or commission.

<sup>&</sup>lt;sup>2</sup>If your request discloses truthfully all material facts and you act in reliance upon the Commission's advice, as stated in its opinion, that opinion shall constitute a complete defense in any enforcement proceeding before the Commission, and evidence of good faith conduct in any related civil or criminal proceeding.

Request for Advisory Opinion (attach additional she documents):	eets, if necessary, and relevant
I hereby swear that the information I have provided information, knowledge and belief.	is complete and correct to the best of my
	Signature of Requesting Party
	3
	Date

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www.nccde.org/ethics

## ADVISORY OPINION PROCEDURE

If you would like advice from the New Castle County Ethics Commission as to whether any action by you, or someone you supervise, complies with the New Castle County Ethics Code, you should file a Request For Advisory Opinion. The following is information which you may find helpful in filing your request. You may also contact the Ethics Commission at (302) 395-5127 for additional information.

Advisory Opinion requests are accepted **ONLY** from County officials or employees.

#### **INITIATING A REQUEST**

- You should complete the Request For Advisory Opinion Form, providing the requested information. The Request For Advisory Opinion Form will contain your electronic signature at the completion of your information, if you file electronically.
- Be sure to attach all relevant documents with your request for an Advisory Opinion. Such documents may include: job specifications, budget information, and relevant business or organization documents, minutes, and by-laws.
- You should specify whether or not you will attend a hearing before the Commission, if the Commission determines that a hearing would be helpful to its determination.
- You may have an attorney or other representative appear with you if there is a hearing.
- Most Advisory Opinions are issued without a prior hearing having taken place.

#### TIME LIMITATIONS

- If the Commission notifies you that a hearing will be held, at least 5 business days before the hearing you should provide the Commission with:
  - 1. copies of all exhibits or documents, if any, you intend to rely upon at the hearing;
  - 2. the names of all witnesses, if any, who you intend to call at the hearing;
  - 3. the name of any representative or attorney, if any, who will represent you at the hearing.
- Unless otherwise indicated, if the Commission believes a hearing would be helpful, your hearing will be scheduled at the next upcoming regularly scheduled Commission meeting, provided the Commission receives your request and the above information at least 5 business days prior to the Commission meeting. You will be notified of the date and time of the hearing date.

#### **THE HEARING**

- You, or your attorney or representative, should present a short opening statement outlining the relevant facts about your request. The Commission then may wish to ask you questions about your request.
- You may also have witnesses with you who you may call to testify about your request. The Commission may also have questions for these witnesses.
- You may present a short closing statement, if there is anything you wish to add after you or your witnesses have testified.
- You and your witnesses will be asked to either affirm or swear on the bible before testifying.
- The Commission may ask certain witnesses to remain outside the hearing room while you or other witnesses testify.
- The hearing will be recorded.

#### THE OPINION

• The Commission will issue a written decision. The Commission will send you a draft copy of the decision prior to its official release, either by certified mail, facsimile, or other acceptable means, so that you may review it to ensure that your identity is concealed as well as possible. You will have 2 business days to notify the Commission, in writing, if you think any changes should be made in the draft opinion. The Commission will then decide whether your suggested changes should be made. You will be sent a final copy of the opinion, by certified mail, facsimile or other acceptable means.

#### **COMPUTATION OF TIME**

- Unless otherwise indicated, when determining any period of time set forth in this handout and the Regulations promulgated by the Commission regarding Advisory Opinions, the day of the act, event, or default after which the designated period of time begins to run, shall not be included in the time period. If the last day of the time period is a Saturday, Sunday, other legal holiday, or a day on which New Castle County Offices are closed, the period of time shall run until the end of the next day on which County Offices are open.
- The Ethics Commission, for cause shown, may, at any time, enlarge the time period set forth in this handout and in the Regulations, if a request to do so is made before the expiration of the period of time originally set forth or extended by the Commission. If a request is not timely made, the Commission may still enlarge the time period set forth if the failure to act was the result of excusable neglect or if failing to enlarge the time would result in substantial injustice.

A copy of the Ethics Commission's regulations concerning Advisory Opinions are available in the New Castle County Law Library, 500 King St, Ste. 2500, Wilmington DE, 19801, or by contacting the Ethics Commission.