



# ETHICS UPDATE

NEW CASTLE COUNTY ETHICS COMMISSION  
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## 2014 SUMMER NEWSLETTER

July 2014 Issue 22

The New Castle County Ethics Commission is providing this newsletter to help County officials and employees understand and comply with the New Castle County Code of Ethics. The complete Code of Ethics is found at Code Divisions 2.03.100 and 2.04.100 and is also included in the Commission's link on the County website, [www.nccde.org](http://www.nccde.org) (listed under "CONTACT" on the left side of the page).

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### Welcome:

The Ethics Office is located at 77 Reads Way in the Gilliam Building in New Castle and is open Tuesdays through Thursdays. The office has a private entrance on the left side of the building, facing 87 Reads Way. Knock at that door for entry or go through the main entrance at Gilliam and have the receptionist direct you to our interior door. The Staff can also make appointments to meet with you at other locations and at other times.

You may also request that a representative of the Commission speak to your agency, department or section about any of the Ethics Code rules by calling Ms. McGrath at 395-5127.

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### Legislation:

In January, County Council passed Ordinance 14-007, recommended by the Ethics Commission, which revised the New Castle County Code relating to the Statement of Financial Interests. Among other changes, the Ordinance increases transparency by requiring disclosure of the name of the employers of spouses and intimate partners and requires identification of immediate family members who are employed in County government.

The Council also enacted Ordinance 14-006, which requires employees and officials who have outside interests in entities that are regulated by or do business with the County to disclose those relationships in writing to the Office of Human Resources.

Pending before Council is Ordinance 14-052, a measure which reflects an update by the Office of Human Resources of the positions in which the occupant exercises discretion in the use of County authority and is required to file an annual Statement of Financial Interests.

If you have ideas or suggestions regarding improvements to the Ethics Code, please contact the Ethics office at 395-5127 or email [glmcgrath@nccde.org](mailto:glmcgrath@nccde.org).

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### Quotes of the Day:

"One of the penalties of refusing to participate in politics is that you end up being governed by your inferiors."

*Plato, Greek philosopher, 428-347 BCE*

"The whole aim of practical politics is to keep the population alarmed (and hence clamorous to be led to safety) by an endless series of hobgoblins, most of them imaginary."

*H.L. Mencken, American journalist, 1880-1956*

"Extremes to the right and to the left of any political dispute are always wrong."

*Dwight D. Eisenhower, American President, 1890-1969*

"Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies."

*Groucho Marx, American comedian, 1890-1977*

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### Ethics Quiz Questions:

**Question 1.** Mary, a Council employee, is the manager of a youth baseball team. As manager, she has been asked to present a proposal to Council for funds for improvement of the public field on which the team plays. Should she make the presentation?

a. Yes, because it is her responsibility as manager of the team.

b. Yes, because she will not benefit personally from the public improvements any differently than other citizens.

c. No, the Ethics Code conduct rules prohibit her from representing the team before her department.

**Answer:** c. The Ethics Code's conduct rules at Section 2.03.103B(1) and (2) prohibit County employees from representing a private interest before their own Department and prohibit County officials from representing a private interest before any County Department. The team is a private interest and Mary is not permitted to importune the people she works with for funds which directly benefit her team.

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## Ethics Quiz Questions (continued):

**Question 2:** An employee in the Land Use Department has authority to issue construction permits. The employee is a member of a nonprofit group that builds homes for the poor. His group has applied for a building permit and all the documentation is in order. Should he issue the permit?

- a. Yes, since he is familiar with the project and all the documentation is correct.
- b. No, he should recuse himself and let another employee review the documentation and issue the permit.
- c. Yes, because he knows that the applicant is a nonprofit and will follow all the rules.

**Answer:** b. His association with the nonprofit requires him to recuse himself from any exercise of his County authority for its benefit. County government must both be impartial in its actions toward citizens and appear impartial. If he issued the permit, the reasonable citizen may think that because of his relationship to the nonprofit it would not be held to as high a standard as other applicants so he and his department would appear to favor the nonprofit over other applicants.

**Question 3:** A department wishes to host a fundraiser that will both supplement its budget and display its expertise to the public. Can it just begin to solicit department vendors for donations if the County Executive doesn't object?

- a. Yes, because it won't cost the taxpayers anything.
- b. Yes, it will improve morale because it will be fun for the department employees who take part.
- c. No, the Ethics Code prohibits solicitation of persons who do business with the County unless the County Executive first establishes a written policy justifying the solicitation as a benefit to the public, the solicitation is not primarily limited to the department vendors and is conducted in a noncoercive manner, the donors are advised in writing that they will not receive any favorable treatment in return for the donation, the donations are not received by the department's staff, and the description and value of the donations are recorded in writing.

**Answer:** c. Section 2.03.104J(1) of the Code prohibits solicitation unless certain restrictions are followed, including a written policy directive from the County Executive explaining the benefit of the solicitation to the public. The solicitation must be conducted in a manner so that donors are not targeted simply because of their relationship with the County, employees who provide direct services to the donors may not be the County representatives who accept the donations, and all donors must be made aware in writing that they will not receive any special benefit from the County for their donation. Detailed records of the donations must be maintained and made available to the public.

## Synopsis of Recent Advisory Opinions:

**AO14-01**, February 12, 2014

The County Executive or his designee, pursuant to a written policy, may permit the sale of fundraiser tickets to employees of the department as long as the office procedures for

## Synopsis of Recent Advisory Opinions (continued):

**AO14-01**, February 12, 2014 (continued)

such sales are non-coercive and do not contravene the prohibition on solicitation by superiors of subordinates or employees in a lower pay grade. In accord with that written policy, the department's staff may solicit members of the public who have a professional relationship with the department as long as they are not current or foreseeable vendors or persons in businesses regulated by the County.

**AO14-02**, April 9, 2014

The employee's service on the state commission does not create a conflict of interest or improper appearance. The employee's state duties do not affect the exercise of County authority and are not similar to and do not duplicate the employee's County function. The administrative decision to pay the employee her County salary while she attends the state meetings is not within the authority of the Ethics Commission as, in this circumstance, it does not create an improper appearance.

**AO14-03**, June 23, 2014

In order to avoid violating the appearance of impropriety provisions of the Ethics Code, it will be necessary for the requester to advise her superiors of her employment of the County employee's adult child and to have the superiors delegate the requester's supervisory authority over to the County employee in the areas of discipline and compensation to another supervisor for the duration of the temporary employment.

## Orders Following Complaint Investigations:

**C13-01**, March 12, 2014

The Commission finds by clear and convincing evidence that Jeffrey Stuart's conduct in conducting gambling pools in County facilities and with County resources violated Ethics Code Sections 2.03.104A and D in that he undermined public confidence in County government because his ability to carry out his official duties with integrity, impartiality, and competence is impaired and that he used his public office to secure private gain. The Commission recommends a sanction of six month suspension without pay.

*Go to the Ethics Commission link on the County website, [www.nccde.org](http://www.nccde.org), to read or copy full versions of Advisory Opinions, Final Orders on Complaints, and Waiver Request Decisions.*

## Proposed Meeting Schedule for Last Half 2014:

July 9, 2014	Government Center
August 13, 2014	Claymont Library
September 10, 2014	Government Center
October 8, 2014	Government Center
November 12, 2014	ANNUAL MEETING Government Center
December 10, 2014	New Castle Public Library

*If you would like to contact the Commission or its attorney, please use the confidential email at [ncc.ethics@comcast.net](mailto:ncc.ethics@comcast.net), or call the office at 395-5127 and leave a return call number.*

### Staff

Gayle McGrath  
Tuesday - Thursday

### Attorney

Rosemary Killian  
Wednesday