



NEW CASTLE COUNTY ETHICS COMMISSION  
MINUTES OF MAY 13, 2020  
PUBLIC MEETING

In attendance:

Commission Members:

Paula Jenkins-Massie; Robert Ralston; Johanna Bishop; Robert Hicks; Sally Jensen; Kellie Tetrick; and Charles Toliver

Ethics Commission Staff: Julie M. Sebring, Legal Counsel  
Alison Lewis, Confidential Assistant  
Ray Carr, Investigator

Public Attendance: Sidney Liebesman, Esquire

Chair Jenkins-Massie opened the Public Session at 4:42 p.m. via Zoom. At the suggestion of Chair Jenkins-Massie, the Commissioners and Commission staff members each introduced themselves to welcome the two new members, Commissioner Johanna Bishop and Commissioner Robert Hicks.

**Public Minutes:** The Commissioners reviewed the minutes of the Public Session of the March 11, 2020 Ethics Commission meeting. Commissioner Jensen made a motion to approve the March 11, 2020 Public Session minutes, and Commissioner Tetrick seconded the motion.

VOTE: 5 - 0 - 2 . Motion carried. (Commissioners Bishop and Hicks abstaining.)

**Executive Minutes:** The Commissioners reviewed the minutes of the Executive Session of the March 11, 2020 Ethics Commission meeting. Commissioner Jensen made a motion to approve the March 11, 2020 Executive Session minutes, and Commissioner Toliver seconded the motion.

VOTE: 5 - 0 - 2 . Motion carried. (Commissioners Bishop and Hicks abstaining.)

**Finance Reports:** The Commissioners reviewed the finance reports for March and April 2020.

## **Committee Reports**

Administrative: Counsel reported that the ECRC has continued to meet via Zoom. The Ethics Code revisions are moving forward per the Committee's work plan.

Forms: Ms. Lewis advised the Commissioners that there are about 49 annual filers who still need to file their 2019 SFI and 4 of those filers are new employees. Follow-up information regarding filing has been sent to filers via email and regular U.S. Mail. Ms. Lewis will continue to reach out to the filers who have not yet filed and assist them with filing their forms.

Training: Counsel advised the Commission that HR has cancelled an upcoming training session scheduled for the end of May due to COVID-19 closures. Online training sessions are being considered by the Training Committee.

### **Ethics Commission Office updates:**

The next meeting is scheduled for Wednesday, June 10, 2020 in the Multi-Purpose room of the Gilliam, Building, 77 Read's Way, New Castle or via Zoom, as appropriate.

Counsel advised the Commissioners that Ms. Lewis has ordered a new laptop through County IS, per past practice, to replace the one that is no longer working. Also, Counsel and Ms. Lewis told the Commission that the County is moving from the Tier accounting software program to a new program in the next month or so. Ms. Lewis will be attending training on the new system.

### **NEW BUSINESS:**

Counsel was contacted by Councilwomen Diller and Durham about the fact that the Ethics Commissioners were the only County commission or board members who were not compensated per meeting, and asked Counsel to ask the Commissioners whether they would like Counsel to consider adopting legislation which would provide for meeting compensation like the other County boards and commissions. The Commissioners discussed it and they all agreed that they would like it to remain the way it is, where the Ethics Commissioners are not compensated per meeting.

### **OLD BUSINESS**

FY2021 Budget: Counsel thanked the Commissioners who were able to attend the Budget Hearing before the New Castle County Council via Zoom on April 20, 2020.

Counsel updated the Commission that the Ethics Commission roster is now full. Two members, Johanna Bishop and Robert Hicks, were recently nominated and appointed by vote of County Council and were both sworn-in prior to today's meeting by County Executive Meyer via Zoom.

Counsel advised the Commissioners that the Delaware Presidential Primary has been moved to July 7, 2020 and that all Delaware registered voters are being afforded the opportunity to vote via absentee ballot by mail because of COVID-19. If anyone wants to change their political party affiliation, they can do so after they have voted in the primary.

Counsel asked the Commissioners if there was a preference as to which photograph to be used for the background on the newly updated Advisory Opinion website. A sample photograph was distributed to the Commissioners and other options were discussed. The Commission delegated the selection of the photo to Counsel.

### **NEW BUSINESS**

Counsel introduced a new graphic tool for use by the Commission, "Simon, the Ethics Otter". Simon, the Ethics Otter, can be used by the Commission in its training materials and in other Commission communications to assist in its messaging. The graphic was created by Linda Jusko, a volunteer. The Commission suggested that Counsel look into protecting it with appropriate trademarking.

Counsel thanked the Commissioners for responding to the COGEL email survey about whether to hold the 2020 COGEL conference as planned in Atlanta, GA, or whether to use a different format, given the COVID-19 pandemic. In response to the survey results, the COGEL management has decided to cancel the in-person conference and will be offering a virtual conference in its place.

Public comment: Sidney Liebesman, Esquire had no comment. Commissioner Toliver explained to Mr. Liebesman his thoughts on correspondence sent by Mr. Liebesman regarding certain matters before the Commission.

### **MEMBERS OF THE PUBLIC:**

At 5:56 p.m., Commissioner Jensen made a motion to move into the Executive Session of the meeting; Commissioner Tetrick seconded the motion. The motion passed unanimously, 7-0.

At 6:54 p.m., Commissioner Toliver made a motion to return to the Public Session. Commissioner Jensen seconded the motion. The motion passed unanimously, 7-0.

W20-02: Commissioner Ralston made a motion to grant the waiver request with modifications as discussed. Commissioner Jensen seconded the motion.

VOTE: 6-0-1. Motion carried. (Commissioner Hicks abstaining.)

C19-05: Commissioner Jensen made a motion to grant a 90-day extension in this matter to begin on June 6, 2020. Commissioner Ralston seconded the motion.

VOTE: 6-0-1. Motion carried. (Commissioner Hicks abstaining.)

C20-01: Commissioner Toliver made a motion to dismiss this matter. Commissioner Ralston seconded the motion.

VOTE: 5-0-2. Motion carried. (Commissioners Bishop and Hicks abstaining.)

C20-02: Commissioner Ralston made a motion to dismiss this matter. Commissioner Jensen seconded the motion.

VOTE: 5-0-2. Motion carried. (Commissioners Bishop and Hicks abstaining.)

C15-01, 02 & 03: Commissioner Toliver made a motion to approve the final order in this matter as modified and pending further approval via email. Commissioner Ralston seconded the motion.

VOTE: 6-0-1. Motion carried. (Commissioner Hicks abstaining.)

At 6:58 p.m., Commissioner Toliver made a motion to adjourn the meeting and Commissioner Ralston seconded the motion. The motion carried unanimously.

The draft minutes were prepared by Alison Lewis, Confidential Assistant, and reviewed by Julie M. Sebring, Esquire.