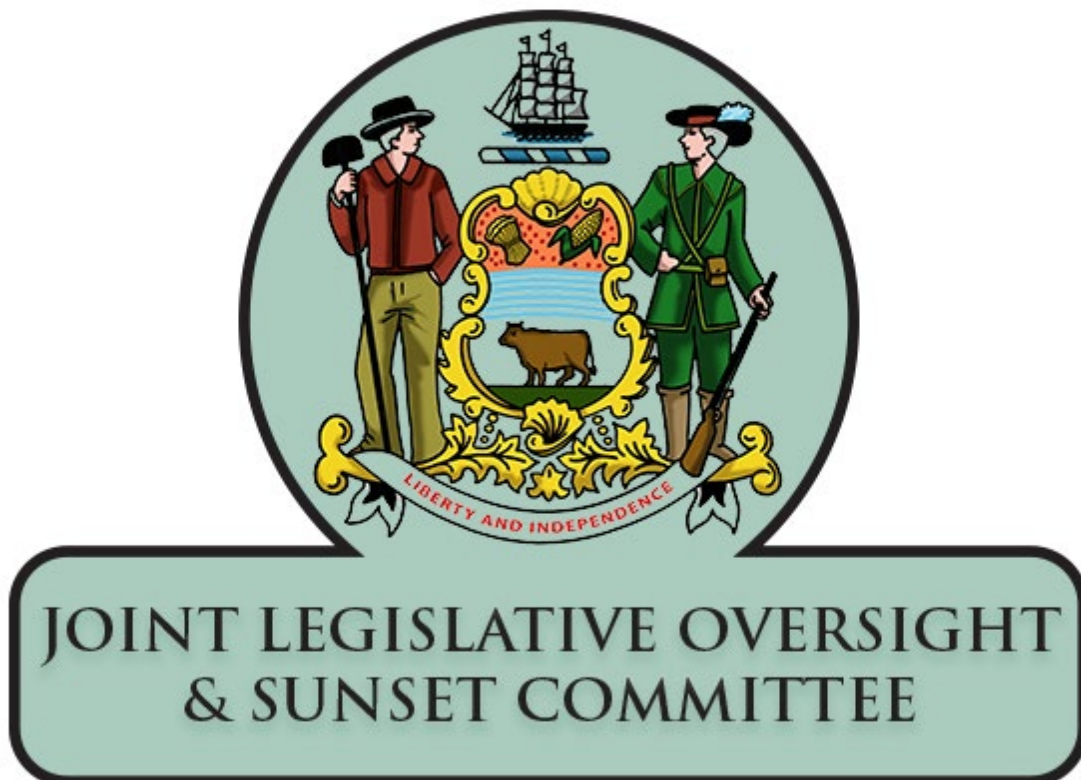


Tourism Advisory Board Self-Report

151st General Assembly



*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
October 2022*

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ABOUT JLOSC AND THE REVIEW PROCESS

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan body comprised of 5 members of the Senate appointed by the President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House.

JLOSC completes periodic reviews of state supported entities such as agencies, commissions, and boards following statutory criteria under [29 Del. Code, Chapter 102](#). The review's purpose is to determine the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to provide strength and support to entities that are providing a state recognized need.

JLOSC performs its duties with support provided by the Division of Research's dedicated and nonpartisan staff. JLOSC staff completes a performance evaluation of the entity under review and submits a Staff Report to JLOSC which includes analysis, key findings, and recommendations. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. In February 2023, JLOSC staff will schedule a presentation meeting for each entity under review to present to the Committee. For additional review information, please visit the Committee's website at <https://legis.delaware.gov/Committee/Sunset>.

ABOUT THIS SELF-REPORT

The JLOSC statute requires the entity under review to supply information and materials to facilitate a legislative oversight and sunset review. Additionally, the entity under review has the burden of showing, through the statutory review criteria, that there is a genuine public need and that the entity is meeting that need.

JLOSC staff supplies each entity under review with a Self-Report template and instructions. All questions appearing in this Self-Report are from the JLOSC staff created *JLOSC Performance Review Questionnaire* ("questionnaire") and are the same for each entity under review. All questions appearing in the questionnaire use statutory review criteria. Throughout the questionnaire, the use of the broad term "entity" refers to the entity under review, which may be a board, committee, commission, or council. The entity under review supplies review information by completing this Self-Report and is responsible for its contents and for forwarding all updates or corrections to JLOSC staff in a timely manner during the entire review period.

JLOSC staff will not edit or modify the information received in this Self-Report and only checks for completeness and adherence to instructions. JLOSC members will receive completed Self-Reports and updates directly from their staff. The Committee's website will include electronic copies of all Self-Reports and any updates received from entities under review.

JLOSC PERFORMANCE REVIEW QUESTIONNAIRE

SECTION 1: ENTITY HISTORY, PURPOSE, AND FUNCTIONS

Section 1-A. Please provide a summary of the entity’s history. Highlight any key events.

The Tourism Advisory Board was created through SS1 for SB50 in 1981 and was established in Delaware Code with passage of that legislation. According to Delaware Code, under Title 29, Chapter 8708A, Economic Development, the Tourism Advisory Board:

“shall consider matters relating to the promotion of the State as a destination for tourists and other travelers and such other matters as may be referred to it, by the Governor, the Secretary [of State], or by the Director [of the Division of Small Business]. The Board may study, research, plan and advise the Director, the Secretary, and the Governor, on matters it deems appropriate to enable the Division to function in the best possible manner.”

According to the records we have on file in the Delaware Tourism Office, the Tourism Advisory Board met regularly from 1997 through 2019. It did not meet in 2020 or 2021 due to the coronavirus pandemic. It has since met once in 2022.

Section 1-B. What are the main functions of this entity? Does this entity issue any advisory or policy opinions? If so, where can they be found?

The main function of the Tourism Advisory Board is to consider ways that the Delaware Tourism Office and other tourism organizations in the state can promote Delaware as a destination for tourists and other travelers. At the Tourism Advisory Board’s most recent meeting on April 27, 2022, the board members did vote to send a letter to the Governor and legislators requesting that they consider revisions to Delaware’s Hotel & Lodging Tax (Title 30) to include taxing short-term rentals in the state’s current lodging tax structure.

Section 1-C. What condition(s), situation(s), and/or problem(s) existed prior to the creation of this entity that directly led to its creation? Please provide specific examples.

The Tourism Advisory Board was established to assist the Tourism Office with any issues or problems related to tourism in the state. At that time, the budget and staff for the Tourism Office were very limited, and the office depended on the board for advice and decision-making related to their efforts. The minutes of previous meetings (in the 1990s), show that the Tourism Office sought input from the Tourism Advisory Board on advertising initiatives, budget, and strategic planning.

Section 1-D. To what extent has the existence and functioning of this entity alleviated each of these condition(s), situation(s), and/or problem(s)? Please provide specific examples.

The Tourism Office now has several full-time employees and receives significant funding each year from the Public Accommodations Tax (PAT). Tourism is a thriving industry in the state, and the Tourism Office has experienced and knowledgeable staff who help contribute to its success.

The Tourism Office does provide updates to the Tourism Advisory Board at their meetings, but the board is not involved in strategic decision making like it once was when the board was first created.

Section 1-E. Would the condition(s), situation(s), and/or problem(s) described in question “1-C” above recur or worsen, in the absence of the entity?

The absence of the Tourism Advisory Board would likely not have any negative impacts on the tourism industry in the state or on the Delaware Tourism Office. Today, the Tourism Advisory Board’s efforts are more generalized. Meetings typically include an overview from the Delaware Tourism Office on current initiatives, a report on the state’s PAT, and any other business.

Section 1-F. Are there any recent condition(s), situation(s), and/or problem(s) that further justify the need for the entity’s existence?

The COVID-19 pandemic continues to have a lasting impact on the State’s tourism industry, and the Tourism Advisory Board is one entity that could consider ways to assist the industry through this difficult time. However, since the Board does not have a budget or dedicated staff, any recommendations made by the Board related to this issue would be completed by the Delaware Tourism Office.

Section 1-G. Are there any functions of this entity that are outdated and no longer needed? If so, please explain and provide examples.

None.

SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY

Section 2-A. What is the mission of this entity? Does the enabling legislation accurately reflect the mission?

The mission of the Tourism Advisory Board is to consider ways that the Delaware Tourism Office and other tourism organizations in the state can promote Delaware as a destination for tourists and other travelers.

Section 2-B. Please identify and explain the entity’s goals and objectives, in order of priority.

The main goal of the Tourism Advisory Board is to encourage out-of-state visitation to Delaware and market Delaware as a tourist destination. This is the same goal of the Delaware Tourism Office.

Section 2-C. Please describe the internal performance evaluation system that the entity uses to measure the attainment of its goals and objectives.

The Tourism Advisory Board does not have an internal performance evaluation system.

Section 2-D. Does the entity collect any data sets? If so, please identify and explain.

N/A

Section 2-E. Does the entity conduct any research? If so, please explain and provide the location of research reports (if produced).

N/A

Section 2-F. Has the State Auditor or any other external organization recently audited and/or evaluated the entity or any of its programs? Please identify some of the major conclusions and/or recommendations. Provide links to all reports.

N/A – Not that we are aware of.

Section 2-G. In general, how do other states carry out similar functions?

The structure of state tourism offices varies considerably. Some offices are housed within state government agencies while others are set up as separate organizations or corporations who report to a board of directors.

Section 2-H. Are the entity’s functions similar or overlapping of other state or federal entities? If so, discuss how the entity coordinates its services with other state or federal bodies sharing similar objectives. Please explain why the functions are best placed within this entity or why they should be placed elsewhere.

The Tourism Advisory Board’s functions overlap significantly with the functions of the Delaware Tourism Office.

SECTION 3: ACCOMPLISHMENTS

Section 3-A. List and briefly explain the entity’s most significant accomplishments.

Because the Tourism Advisory Board does not make regulations or rules and does not make policy decisions, there are no recent significant accomplishments that the board has directed achieved. The Delaware Tourism Office has several significant accomplishments in recent years, all of which were shared with the Tourism Advisory Board at their April meeting:

- In 2020, tourism contributed \$3.2B to the Delaware economy. Tourism attracted 7.7M overnight visitors; supported 44,500 jobs; and raised \$49.7M in tax revenue.
- DTO has sales leaders in each of its three sales segments: Leisure, Group Tour and Sports. In 2020, sales team generated \$15M in revenue for state and DTO issued over 100k travel guides.
- In 2020, DTO launched the Delaware Discoveries Trail, comprising 13 interactive art locations designed to engage a younger demographic.
- The Delaware Discoveries travel guide (produced by DTO in 2020) won several awards.
- With help from the Department of State, DTO invested \$1.5M into an ad campaign timed to coincide with the inauguration in Jan. 2021. Its focus was the state’s excellent quality of life, and it generated many visits from many places.
- In FY 2022, DTO: Generated \$11.8M in combined sales revenue, attended several trade shows in person, produced millions of dollars’ worth of earned media.
- In December 2021, DTO hosted the Delaware Tourism Summit, an educational workshop for tourism industry partners with speakers from as far away as Australia and Colorado. 200 industry members attended.

- In 2021, DTO launched an enhanced VisitDelaware.com in partnership with Google, making it easier for businesses to keep their info updated.

SECTION 4: CHALLENGES

Section 4-A. List and briefly explain 3 to 4 challenges the entity is currently facing.

This is an advisory entity so it does not have challenges that other entities may have. The most significant challenge could be that the Tourism Advisory Board does not have a budget or dedicated staff, but the Delaware Tourism Office provides administrative support to the board.

SECTION 5: OPPORTUNITIES FOR IMPROVEMENT

Section 5-A. List and briefly explain several opportunities for improvements. Please prioritize.

There are no significant opportunities for improvement related to this entity.

Section 5-B. In the past 5 years, has the entity recommended any changes to the Legislature, Governor's Office, or other State agency to improve the entity's operations? If so, please explain and provide the outcome or current status?

At the Tourism Advisory Board's most recent meeting on April 27, 2022, the board members voted to send a letter to the Governor and legislators requesting that they consider revisions to Delaware's Hotel & Lodging Tax (Title 30) to include taxing short-term rentals in the state's current lodging tax structure. The letter is included in Appendix A.

SECTION 6: COMPOSITION & STAFFING

Membership:

Section 6-A. How is entity membership defined? Please explain and provide the section(s). Examples include statute, regulations, or by-laws.

According to Delaware Code:

- The Tourism Advisory Board shall be composed of 7 members who shall be appointed by the Governor and serve for a term of 3 years.
- Members of the Board shall be residents of the State who are engaged in the tourist industry or who provide direct service to tourists and other travelers. At least 2 members shall be appointed from each of the 3 counties of the State. For purposes of this section, a member's residence shall be considered the member's principal place of business. At least 3, but no more than 4, members of the Board shall be affiliated with 1 of the major political parties and at least 2, but not more than 3, of the members shall be affiliated with the other major political party; provided, however, that there shall be no more than a bare majority representation of 1 major political party over the other major political party. Any person who declines to announce a political affiliation shall also be eligible for appointment as a member of the Board.
- The Director [of the Division of Small Business], or such person designated by the Director, shall serve as Secretary to the Board, and shall maintain minutes of all meetings and such other records as are deemed necessary by the Director.

- Members of the Board shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members in accordance with state law.
- A Chairperson of the Board shall be chosen by the members of the Board from among its members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection.
- Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the expiration of the member’s term shall be filled only for the remainder of that term.

Section 6-B. Are there special qualifications for membership?

The special qualifications for membership to the Tourism Advisory Board are outlined in the above section of Delaware Code. The most significant qualification is that members must be residents of Delaware and must be engaged in the tourism industry or provide direct service to tourists or other travelers.

Section 6-C. Who has member appointment authority? Where is this defined?

The Director of the Delaware Division of Small Business has member appointment authority for the Tourism Advisory Board. This is defined in the above section of Delaware Code: Title 29, Chapter 8708A. Tourism Advisory Board.

Section 6-D. What is the designated term of office for entity members? Where is this defined?

Members serve for a term of three (3) years. This is outlined in the above referenced section of Delaware Code.

Section 6-E. How many members currently serve on this entity? Are there any vacancies? If so, indicate the length of time each vacancy has existed and the reasons why. Has the entity or support staff advised the Governor’s Office or appointing authority of the vacancies?

There are currently seven (7) members of the board. There are no vacancies.

Section 6-F. Can this entity create subcommittees or task forces? If “yes” please address the following questions:

1. Describe the process and site the entity document (statute, regulations, or by-laws) that permits this.
N/A – This is not addressed in Code.
2. Provide a brief history on how many have been created in the past 5 years and indicate where meeting documents can be found.
N/A
3. If final reports were issued, please provide their location.
N/A
4. If there are current subcommittees or task forces currently meeting and conducting business; include information on membership, duties, and where meeting documents can be found.
N/A

Section 6-G. Include a current membership roster with this Self-Report. This is a separate request from the list of supporting documents included in the Self-Report instructions. This current membership roster must indicate the following for each member:

- **First and last name, and their city and state of residence.**
- **Position held (i.e., Chair, President, Co-Chair, Secretary, etc.).**
- **Professional or public member.**
- **Their profession or occupation.**
- **Original appointment date, expiration date, and number of terms served.**

To satisfy this current membership roster request, please complete one of the following:

- **Complete the included table below.**
- **Delete the included table below, build a new table, and place in this section.**
- **Delete the included table below and attach a document to the Self-Report and label in the appendices section.**

Member's Name and City and State of residence.	Position Held	Professional or Public Member	Profession or Occupation	Original Appointment Date	Appointment Expiration Date	Number of Terms Served
Mike Rassmussen	Board Chair	Professional	Co-Owner, Painted Stave Distilling	8/5/2012	9/18/2022	3
Matt Robinson	Board Member	Professional	University of Delaware/Slam Dunk to the Beach	10/22/2013	9/18/2022	3
Jennifer Zerby	Board Member	Professional	Director of Marketing, Boardwalk Plaza Hotel	9/9/2012	9/18/2022	3
Heath Gehrke	Board Member	Professional	Director of Ferry Operations, Delaware River and Bay Authority/Cape May Lewes Ferry	9/9/2009	9/18/2022	4
Drew Boyce	Board Member	Professional	Director of Planning, DeIDOT	10/7/2019	10/7/2022	1
Molly Giordano	Board Member	Professional	Executive Director, Delaware Art Museum	12/7/2021	12/7/2024	1
Lori Ewald	Board Member	Professional	Marketing Manager, High 5 Hospitality	12/7/2021	12/7/2024	1

Meeting Frequency:

Section 6-H. How frequent are meetings held? Is meeting frequency defined anywhere such as the statute or by-laws? If so, provide document name and section information.

Before COVID, meetings were held about once a year, sometimes more if issues arose. During the pandemic in 2020 and 2021, no meetings were held. The board has since met once in 2022 (April 27). Delaware Code does not outline how frequently the board should meet.

Section 6-I. Can the entity hold special or emergency meetings? If so, describe the protocol involved in requesting and holding a special or emergency meeting.

N/A – Delaware Code does not address this.

Meeting Order and Quorum:

Section 6-J. For meeting order, does the entity follow Mason’s Manual of Legislative Procedure or Roberts’ Rules of Order? Is this defined in statute, regulation, or by-laws?

The board generally follows Roberts’ Rules of Order. This is not defined in state, regulation or by-laws.

Section 6-K. How is meeting quorum defined and where is the definition located?

The board generally follows the Roberts’ Rules of Order to define a quorum. The Roberts’ Rules of Order define a quorum as a majority of all the members of a board. A quorum for the Tourism Advisory Board is four (4) members.

Member Removal:

Section 6-L. Is there a mechanism for member removal? If so, how are members removed and who has the authority to remove a member? Using the process described, has there ever been an instance of member removal, and if so, briefly describe the nature of events that led to the member removal.

The Delaware Code does not outline procedures for removing a member. Members have voluntarily resigned in the past if they could not commit adequate time to the duties of the board.

Member Compensation:

Section 6-M. Are members compensated? If so, how are they compensated?

No, members are not compensated.

Member Training and Handling Conflicts of Interest:

Section 6-N. Are members offered any special training opportunities? Is training required or voluntary?

None.

Section 6-O. Has a Deputy Attorney General (“DAG”) reviewed the provisions of the Public Integrity Act with entity members to ensure that they are in compliance with the provisions in the law? If so, what is the frequency of this review?

N/A

Section 6-P. Please explain how entity members avoid conflicts of interest.

Members are encouraged to abstain from voting on issues in which they may have a conflict of interest. The board does not regularly vote or take administrative action so this issue does not present itself often.

Section 6-Q. Has the Public Integrity Commission (“PIC”) provided training or clarification to members or issued any advisory opinions on entity activities? If so, please explain the details. Provide a link to the information or attach relevant information to this report.

The Public Integrity Commission has not provided training or clarification to members of the Tourism Advisory Board.

Support Staff:

Section 6-R. Is there dedicated support staff *directly* assisting the entity? If so, what state agency, department, or office supplies the support staff?

- **If this question is applicable answer all questions in this section.**
- **If not applicable, state that no support staff exists for question Section 6-R and explain how duties are divided among members, skip to questions Section 6-Y and Section 6-Z below.**

There is no dedicated support staff for the Tourism Advisory Board. Employees of the Delaware Tourism Office provide support for the board, including scheduling meetings, creating meeting agendas, posting the meetings to the Public Meeting Calendar, taking minutes at meetings, and posting minutes to the Public Meeting Calendar.

Section 6-S. How many employees are employed by the state agency or department supplying support staff? (skip if not applicable)

The Division of Small Business employs about 25 employees.

Section 6-T. Does the state agency or department supplying support staff offer internships? If so, do interns provide support services to the entity? (skip if not applicable)

The Department of State does offer internships. Interns do not provide support services to the Tourism Advisory Board.

Section 6-U. What is the size of the support staff *directly* assisting the entity? How many are merit, appointed, exempt, temporary, casual seasonal, or contract employees? For contract employees indicate who holds the employment contract. Highlight support staff responsibilities, indicate who performs each and the percent of staff time spent on each responsibility. (skip if not applicable)

The Delaware Tourism Office provides support staff to the Tourism Advisory Board. The Delaware Tourism Office currently has six (6) full-time exempt employees with one (1) full-time vacant position and one (1) casual seasonal vacant position.

Responsibilities include:

- Scheduling meetings

- This responsibility is completed by the Director of the Delaware Tourism Office.
- Percent of staff time spent on this responsibility: 5% annually
- Creating meeting agendas
 - This responsibility is completed by the Director of the Delaware Tourism Office.
 - Percent of staff time spent on this responsibility: 5% annually
- Posting agenda/meeting information to the Public Meeting Calendar
 - This responsibility is completed by the Director of the Delaware Tourism Office.
 - Percent of staff time spent on this responsibility: 5% annually
- Recording meeting minutes
 - This responsibility is completed by the Content Producer in the Delaware Tourism Office.
 - Percent of staff time spent on this responsibility: 5% annually
- Posting minutes to the Public Meeting Calendar.
 - This responsibility is completed by the Director of the Delaware Tourism Office.
 - Percent of staff time spent on this responsibility: 5% annually

Section 6-V. Who supervises the support staff *directly* assisting the entity? (skip if not applicable)

The Director of the Delaware Tourism Office.

Section 6-W. How is the support staff *directly* assisting the entity recruited and hired? Is there an orientation session for new hires? (skip if not applicable)

All staff of the Delaware Tourism Office are hired through the state HR procedures. An orientation session on the Tourism Advisory Board is not held for new hires since they are not direct support staff for the board. New hires are provided information about the board, however.

Section 6-X. What training opportunities are available to support staff *directly* assisting the entity? (skip if not applicable)

The Delaware Tourism Office and Delaware Division of Small Business provide training opportunities regularly to all staff.

Section 6-Y. Is the effectiveness of the entity hindered by a lack of staff assistance or dedicated support staff? Please explain. What steps, if any, have been taken to address any staffing issues? (all entities under review answer this question)

The Tourism Advisory Board members have not previously expressed a hindrance caused by lack of staff assistance or dedicated support staff. As with all state agencies, the Delaware Tourism Office continues to experience staffing shortages, but the office is working diligently to fill vacant positions as soon as possible.

Section 6-Z. Please identify, list, and briefly describe any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the entity. (all entities under review answer this question)

There are no executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the Tourism Advisory Board.

SECTION 7: FREEDOM OF INFORMATION ACT (“FOIA”) & OPEN MEETING LAW COMPLIANCE

Section 7-A. How does the entity respond to FOIA requests?

FOIA requests are sent to the Department of State FOIA coordinator who then sends them to the Director of the Delaware Tourism Office.

Section 7-B. When and where are the meeting notices and agendas posted?

The meeting notices and agendas are posted on the Public Meeting Calendar and on a bulletin board outside of both the Division’s Dover and Wilmington offices. The notices are posted at least seven (7) days prior to the meeting date.

Section 7-C. Are meeting minutes regularly transcribed? When and where can the public obtain copies of meeting minutes?

Meeting minutes are posted to the Public Meeting Calendar.

Section 7-D. Are meetings recorded? If so, indicate whether it’s an audio or video recording and is the recording posted online for the public? If the recordings are not posted online, are instructions provided to the public on how to request recordings?

Meetings were recorded in previous years (2010-2019) but were not recorded in recent years (2022). The previous recordings were audio recordings. They were not posted online. The public could contact the Tourism Office through its website to request the recordings.

Section 7-E. Within the past 3 calendar years, has the entity conducted executive sessions or other closed meetings? If yes, please indicate the date of each and the nature of the meeting. Are minutes of executive sessions or other closed meetings available to the public?

N/A

Section 7-F. Has the entity ever received any complaints that it was violating FOIA? If so, please list and include the result of the hearing or the review.

No.

SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

Section 8-A. Does the entity promulgate rules or regulations in accordance with the Administrative Procedures Act?

The Tourism Advisory Board does not promulgate any rules or regulations.

Section 8-B. Has a DAG assigned to this entity reviewed the current rules and regulations for compliance with the governing statute?

Not as of writing this report, but the Division of Small Business was recently assigned a new DAG. We will work with him to make sure he reviews the current rules and regulations related to the Tourism Advisory Board.

Section 8-C. Is the entity considering any changes to its current rules and regulations? If "yes" please address the following questions:

1. **What is the status and nature of the planned changes?** N/A – the board does not currently produce any rules and regulations
2. **Have the proposed changes been reviewed and approved by the entity's Deputy Attorney General?** N/A
3. **Have the proposed changes and the public hearing date been published in the Register of Regulations?** N/A

SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS

Section 9-A. Please describe in detail the complaint process utilized to resolve disputes between the entity and the public, including how complaints are filed, who investigates complaints, and how long investigations proceed.

The Tourism Advisory Board does not receive complaints. If the board received complaints, they would likely be directed to the Delaware Tourism Office which would handle them accordingly.

Section 9-B. What are some of the most common complaints received by the entity? Please identify where the complaints originate (i.e., public, media, Attorney General's Office, consumer groups, etc.).

N/A

Section 9-C. Have any complaints been filed with the Attorney General's Office? If so, have they been resolved?

No.

Section 9-D. Are there any Delaware Attorney General's Opinions that affect the functioning of the entity? If so, please provide the date and number.

N/A

Section 9-E. Are there any recent judicial decisions (state or federal) that directly affect the functioning of the entity?

None.

Section 9-F. What specific disciplinary actions were taken by the entity as a result of complaint investigations? (i.e., license revocation, license suspension, formal reprimand, penalty, etc.).

N/A

Section 9-G. Please describe in detail the process utilized for determining appropriate disciplinary actions taken against individuals licensed, employed, or monitored by the entity. Include the appeals process, if applicable.

There are no individuals licensed, employed, or monitored by the Tourism Advisory Board.

Section 9-H. If applicable, provide the following complaint data for calendar years 2019, 2020, 2021, 2022 (to date):

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Current Calendar Year 2021
Total Number of Complaints Received by the Entity				
Total Number of Complaints Investigated				
Total Number of Complaints Found Valid				
Total Number of Complaints Forwarded to the Attorney General				
Total Number of Complaints Resulting in Disciplinary Action				

SECTION 10: PRIOR JLOSC REVIEW

Section 10-A. Has JLOSC previously reviewed this entity? If so, provide the year(s) of review and list all JLOSC final recommendations, indicate whether the entity is complying or non-compliant with each recommendation, and explain all areas of non-compliance.

The Tourism Advisory Board has not previously been reviewed by JLOSC.

SECTION 11: PUBLIC INFORMATION

Section 11-A. How does the entity communicate information with the public? Does the entity use a website and/or social media platform(s)? If so, please list each method of communication and supply the applicable web address, handle, or username.

The Tourism Advisory Board does not communicate information to the public. Any information that the board would like communicated to the public would be done through the Delaware Tourism Office’s website or social media accounts (Facebook & Instagram).

Section 11-B. What information or educational resources are made available to the public relating to the entity’s activities? Examples include newsletters, guidelines, rules and regulations, policy briefs, or other similar documents. Please indicate the method and frequency of distribution for each and identify the target group(s).

None.

Section 11-C. Does the entity actively engage with the public and solicit feedback? If so, please explain. If the entity has conducted surveys, please list all surveys conducted within the past 5 years and indicate where the public can find survey results.

No, the Tourism Advisory Board does not actively engage with the public or solicit feedback. Any tourism surveys or feedback would be managed by the Delaware Tourism Office.

Section 11-D. Does the entity have by-laws? If so, are they available for the public (include location) and what was the last date of revision?

No, the entity does not have by-laws.

Section 11-E. Please complete the following 3 charts (add or delete cells as needed) with the most current information regarding interest groups, national organizations, and industry or trade publications as described in each chart heading.

Interest Groups (Groups affected by entity actions or represent others served by or affected by entity actions)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

National Organizations or other State Agencies (Serve as an information clearinghouse or regularly interact with the entity)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

Industry or Trade Publications		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

SECTION 12: ENACTED LEGISLATION IMPACTING THE ENTITY

Section 12-A. Did legislation establish the entity? If so, what year and by what legislative bill was the entity established?

1981 – SS1 for SB50

Section 12-B. Please list all legislation and other acts that have made substantive amendments to the entity’s enabling legislation. Please indicate the bill number and date of enactment for each.

N/A

Section 12-C. Please identify, list, and briefly describe any federal laws or regulations that guide or otherwise directly affect the functions, responsibilities, and operations of the entity.

N/A

SECTION 13: PENDING & PROPOSED LEGISLATION

Section 13-A. Please list any currently proposed legislation (state and federal) that, if passed, will directly impact the functions or operations of the entity. Please indicate any bills that the entity is supporting or opposed.

As noted above, at the Tourism Advisory Board’s most recent meeting on April 27, 2022, the board members voted to send a letter to the Governor and legislators requesting that they consider revisions to Delaware’s Hotel & Lodging Tax (Title 30) to include taxing short-term rentals in the state’s current lodging tax structure. It is our understanding that legislation on this will be introduced in January 2023.

SECTION 14: FISCAL INFORMATION

Section 14-A. Complete the following chart to provide the entity’s actual revenue for FY20 and FY21 and budgeted revenue for FY22. Also indicate the source of funds (i.e., general fund, federal funds, special funds, etc.).

The Tourism Advisory Board does not have a budget and does not receive any funding.

Revenue:

Fiscal Year	Source of Funds	Amount
FY22 (budgeted)		

General Funds	\$0.00
Federal Funds	\$0.00
Special Funds	\$0.00
TOTAL:	\$0.00
FY21 (actual)	
General Funds	\$0.00
Federal Funds	\$0.00
Special Funds	\$0.00
TOTAL:	\$0.00
FY20 (actual)	
General Funds	\$0.00
Federal Funds	\$0.00
Special Funds	\$0.00
TOTAL:	\$0.00

Section 14-B. If the entity receives federal funds, including grants, please indicate the following:

- **Total amount of federal funds.**
- **Type of federal fund.**
- **State/Federal Match Ratio.**
- **State Share of Dollars.**
- **Federal Share of Dollars.**

Section 14-C. Does the entity collect any fees or fines? Provide information on any fines or fees collected by the entity:

The Tourism Advisory Board does not collect any fees or fines.

Description of Fine or Fee	Current Fine or Fee \$\$	Number of Persons or Entities Paying Fine or Fee	Fine or Fee Revenue \$\$	Where is the Fine or Fee Revenue Deposited? (i.e., general fund, special fund)

Section 14-D. Has the entity conducted a financial analysis to determine if the current fees are sufficient to cover the cost of the administrative activity related to each? Do the current fees or fines need to be updated or revised? Please explain, indicating whether the fees or charges can be changed directly by the entity or if legislative approval is required.

N/A

Section 14-E. Complete the following chart to provide the entity’s actual expenditures for FY20 and FY21 and budgeted expenditures for FY22. Also indicate the source of expenditures (i.e., general fund, federal fund, special fund, etc.).

The Tourism Advisory Board does not have a budget and does not receive any funding, therefore, the board does not have any expenditures.

- If this section is applicable, answer all questions in Section 15.
- If this section is not applicable, write below that the entity does not review applications or issue licenses, and skip to Section 16.

This section is not applicable to the Tourism Advisory Board.

Section 15-A. Please list each of the licenses, certificates, or approval notices issued by the entity and include the following information:

- Indicate how many are currently licensed, and whether an individual or institution receives the license.
- Standard date of and requirements for renewal.
- Criteria for determining qualifications for licensure.
- Period for which a license is valid.

Section 15-B. Please provide the following data for each license, certificate, or approval notice issued by the entity during calendar years 2019, 2020, 2021, and 2022 (to date). Include additional charts, if necessary:

Name of license issued by the entity: _____

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2019	0	0	0	0	0
Calendar Year 2020	0	0	0	0	0
Calendar Year 2021	0	0	0	0	0
Current Calendar Year 2022 (to date)					

Name of license issued by the entity: _____

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2019	0	0	0	0	0
Calendar Year 2020	0	0	0	0	0

Calendar Year 2021	0	0	0	0	0
Current Calendar Year 2022 (to date)					

Section 15-C. Do licenses issued by the entity have reciprocity or endorsement agreements with Delaware? If so, provide a list of all states and jurisdictions that have licensing reciprocity or endorsement agreements with Delaware. Indicate if the entity requires a signed agreement or endorsement from another state or jurisdiction before a Delaware license is issued?

Application Fees:

Section 15-D. Are any application fees collected by the entity? If so, complete the chart below.

Fee Type	Application Fee

Section 15-E. If application fees are collected, when are fees due? Where are fees deposited? What happens if the fee is not paid? Are there any reduced fee options?

Section 15-F. If application fees are collected, has the entity conducted a financial analysis to determine if the current application fees are sufficient to cover the cost of processing applications? Do the current application fees need to be updated or revised? Please explain, indicating whether the application fees can be changed directly by the entity or if legislative approval is required.

Application Process:

Section 15-G: Describe the application review process. Include where applications are obtained. Who reviews applications? How are applicants informed of decisions?

Examinations:

Section 15-H. If there is an examination requirement to obtain a license, address the following questions:

- 1. Is the examination written, oral, or both?**
- 2. Is a standardized national examination used?**
- 3. Who develops and scores the exam?**
- 4. Are all aspects of the examination validated?**

5. Who administers the exam, where is it administered, and how often is the exam given?
6. During each of the previous three calendar years, how many persons sat for an exam, and of those, how many successfully passed?

SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION

Reconsideration:

Section 16-A: Is there a process for application or entity decision reconsideration (a process prior to a formal appeal, sometimes referred to as an administrative reconsideration)? This could also apply to reconsidering budget decisions made by the entity. If so, please explain.

The Tourism Advisory Board does not make any decisions that would warrant a reconsideration request.

Appeal:

Section 16-B: Can an applicant, group, or individual appeal an entity decision? If so, explain the process for appeal.

N/A

Sanctions:

Section 16-C: Can the entity issue sanctions? If so, explain the sanction process.

No, the Tourism Advisory Board does not issue sanctions.

Revocation:

Section 16-D: Does the entity have a revocation process? If so, explain the process.

N/A

SECTION 17: SELF-REPORT AUTHOR(S)

Section 17-A: Include all Self-Report author(s) and contact information below.

- All Self-Report author(s) listed below certify the information supplied in this Self-Report is correct to the best of their ability.
 - **Reminder to entity under review:** Any updates or corrections to Self-Report contents and entity information must be submitted to JLOSC staff in a timely manner during the entire period of review.
 - **Submitted by Jessica Welch, Director, Delaware Tourism Office**

Section 17-B: This Self-Report was submitted to JLOSC staff on: [October 28, 2022](#)

APPENDICES

APPENDIX A

June 14, 2022

Delaware General Assembly
411 Legislative Ave
Dover, DE 19901

Re: Short-Term Rentals

Dear Legislator,

The State Tourism Advisory Board would like to express our support to modernize Title 30 to include Short-Term Rentals in the state's current lodging tax structure. Tourism is a major contributor to the Delaware economy, generating over \$3.7 Billion a year in economic activity, yet Delaware is one of only three states that does not apply our Public Accommodations Tax (PAT) to short-term rentals to help support and grow this vital economic sector.

Short-Term Rentals have become a large business in Delaware, especially in our beach communities where real estate investors have found significant financial returns by renting to vacationers from other states. But as those investors reap a windfall, the state and its residents are footing the bill to support the amenities these vacationers are enjoying. It is time that Delaware joined the rest of the nation and began collecting our PAT on this growing industry. The major players in the Short-Term Rental market (Airbnb, VRBO, HomeAway) are already collecting and remitting these taxes in other states and can easily do so in Delaware.

The PAT currently funds most of the tourism marketing for the state and counties, a significant portion of our beach replenishment fund, and the state's general fund. Adding Short-Term Rentals to the PAT collection would provide additional resources to the state and county tourism offices to grow our tourism marketing efforts, increase the amount of funds available for Beach replenishment, and help fund a variety of general fund expenses that support the tourism industry such as infrastructure, public safety, economic development, etc.. This represents a unique opportunity to grow state revenues without increasing the economic burden placed on the vast majority of Delaware citizens, and will bring us in line with best practices currently in place in most of the nation.

We hope that you will give your full consideration and support to this effort,

Best,



Michael Rasmussen
Chair, Delaware Tourism Advisory Board