



Prepared by
The Delaware Public
Integrity Commission

Public Integrity Commission



Why is the Public Integrity Commission Important to the State of Delaware?

Ethics in public administration is **essential for maintaining trust and integrity in government.** Public servants must adhere to high ethical standards to ensure that they serve the public interest effectively. Key values include: Integrity. Acting honestly and transparently.

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TITLE 29 State Government

Public Officers and Employees

CHAPTER 58. LAWS REGULATING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE

Subchapter I. State Employees', Officers' and Officials' Code of Conduct

§ 5801 Short title.

This subchapter shall be known and may be cited as the "State Employees', Officers' and Officials' Code of Conduct."

67 Del. Laws, c. 417, § 1;

§ 5802 Legislative findings and statement of policy.

The General Assembly finds and declares:

- (1) In our democratic form of government, the conduct of officers and employees of the State must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.
- (2) To ensure propriety and to preserve public confidence, officers and employees of the State must have the benefit of specific standards to guide their conduct and of some disciplinary mechanisms to guarantee uniform maintenance of those standards. Some standards of this type are so vital to government that violation thereof should subject the violator to criminal penalties.
- (3) In our democratic form of government, it is both necessary and desirable that all citizens should be encouraged to assume public office and employment, and that, therefore, the activities of officers and employees of the State should not be unduly circumscribed.
- (4) It is the desire of the General Assembly that all counties, municipalities and towns adopt code of conduct legislation at least as stringent as this act to apply to their employees and elected and appointed officials. This subchapter shall apply to any county,

<https://delcode.delaware.gov/title29/c058/sc01/index.shtml>

6/20/2019

"Integrity gives you real freedom because you have nothing to fear since you have nothing to hide." Zig Ziglar

Public Integrity Commission



Title 29 §5808 Delaware Code establishes the Public Integrity Commission to

- **Implement Delaware's ethics law** (Code of Conduct) for the Executive Branch.
- Ensure compliance with **financial disclosure law** for all 3 branches.
- Enforce “**Anti double-dipping**” law that bans 2X pay from dual government positions.
- **Enforce lobbyists' registration** & expense reporting laws.
- **Issue advisory opinions**; publish synopses annually.
- Provide **training** through the State Personnel Office's Training Unit & scheduling classes with agencies. Mandatory for all new state employees.
- **Act on sworn complaints** which allege violations of the laws.

Commissioners:

- COL (R) Ron Chaney, Chair
- Dr. Melissa Harrington, V Chair
- Dr. Susan Bunting, V Chair
- Hon. F. Gary Simpson,
- Mr. Andrew Manus *
- Hon. Alex Smalls *
- Vacancy

Counsel/Staff:

- Mr. Benjamin Warshaw, Esq.

* Term Expired

PIC Strengths and Weaknesses



Strengths

- An independent state agency with over **30 years of experience** administering and enforcing State Code of Conduct.
- **Promotes high standards of ethical conduct** in state government through on-line and in person training.
- Provides services to state and local employees and officials (over 32,000 people) for less than \$200k per year.
- Makes **effective use of a limited budget** of \$194,672 in FY 2024 with a staff on one.
- Commission is **composed of a diverse group of individuals** nominated by Governor and confirmed by Senate.

Weaknesses

- **Lack of awareness** by the general public regarding PIC.
- Lack of future funding to continue on-line training for all state employees.
- Limited operational funding to date now limits the PIC's investigatory ability.
- **Lack of protection for "whistleblowers"** who bring complaints before the PIC.
- Need for a more user-friendly and searchable data base for PIC opinions.
- The **penalties for a violation** of the Code of Conduct are not commensurate with the seriousness of the violation and have little deterrent effect.

"Integrity is doing the right thing, even when no one is watching." C.S. Lewis

Some PIC Highlights



- Accomplishments, like sins, can be of commission and omission. Our most significant accomplishments may be the ethical violations that didn't occur. Simply because the PIC exists, employees are aware that there is an organization that will hold them accountable.
- Sussex County agreed to continue referring ethics and code of conduct matters to PIC and **not form its own entity.**
- State Personnel Office and several state agencies have added ethics orientation for state employees online training to all new employee curriculum. **DHR made ethics training mandatory for new employees in 2024.**
- Training, education and reliable oversight are key factors in reducing the occurrence of ethics violations among state and local government employees and officials. There is no other agency responsible for ethics training or providing ethical advice to government employees and officials. Governor Myer called for mandatory training for all employees but no executive or legislative action has been initiated.
- The PIC provides ethics and financial disclosure advice to state and local government employees and officials, training to state and local government employees and officials, and administers the state's lobbying laws. All done with an existing staff of one FTE.

JLOSC Staff Recommendations & Response



Finding #1: PIC was created to ... maintain public trust.

Recommendation #1: Continue PIC, subject to further recommendations that JLOSC adopts.

PIC Response: PIC agrees. We execute statutory responsibilities effectively and efficiently.

Finding #2 : Public transparency is important for any entity regulating ethics. This includes open meetings, accessible reports, and advisory opinions.

Recommendation #2: JLOSC consider technical corrections to Title 29 §5808; using this review as a guide, revise sections covering topics that update:

- Training manuals publication duties.
- Confidentiality requirements of proceedings & waivers & advisory opinions.
- Financial disclosure reporting requirements & enforcement.
- Penalties for Chapter 58 violations.
- JLOSC and PIC staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate.

PIC Response:
PIC agrees that reviews, considerations and decisions should be as transparent as possible. Increased public could reassure Delawareans. Transparency cannot outweigh the concerns, historically validated, that publication could limit self referral, could be weaponized against office holders, state and local leaders and employees. The PIC will work with the JLOSC and staff to determine the best way forward.

JLOSC Staff Recommendations & Response



Finding #3: Ethics training is not required. A minimum requirement for ethics training should be explored to assist with awareness and decrease violations.

Recommendation #3: Statute Revisions. JLOSC should consider minimum ethics training requirement for all state employees, officers, and officials. JLOSC and PIC staff will work together to develop statutory revisions.

PIC Response: PIC agrees and supports. Governor Meyer's proposed Executive Order #30 mandates all new employees to complete the Commission's online module and all current employees to complete biennial ethics training through the module.

Finding #4: PIC consistently holds public meetings. Staff maintained communication with JLOSC staff throughout the review. Staff does not believe that monitoring beyond the statutorily required monitoring of post-review activities is necessary. Additionally, staff does not identify the need for progress reports to comply with any JLOSC adopted recommendations.

Recommendation #4: Release PIC from review upon enactment of legislation under Recommendation #2.

PIC Response: PIC agrees and supports.

"Real integrity is doing the right thing knowing that nobody's going to know whether you did it or not." Oprah Winfrey

Recommendations



- ICW PIC, JLOSC develop legislation that
 - **Protects complainant** against retribution. (Whistleblower)
 - **Mandates ethics training** for all state employees (all branches). Fund the training of additional personnel.
 - **Enables enforcement** mechanisms.
- Increase scope; consider oversight of the Legislative Branch.
- Fund contracted investigative capability.
- Initiate late fees for public officers who file their Financial Disclosures late.
- Increase penalty for non-registration by lobbyists.
- Given that the state is grappling with budget constraints this year, investigate the merits and synergies (cost savings) that could be achieved by having the PIC assume the increased investigative functions noted in proposed legislation to create an Inspector General. Ensure potential IG legislation recognizes and protects the PIC's role and is deconflicted.

Conclusions



- The PIC is nonpartisan, geographically balanced and diverse. Commissioners have demonstrated integrity, and have been vetted by multiple background checks, investigations and elections.
- Only entity with **ethics oversight & investigative authority** over Executive Branch, 2 county governments and most incorporated towns in Delaware.
- The PIC has **operated efficiently and effectively for 30+ years**, performing its responsibilities to implement the requirements of its governing statutes in a serious and professional manner.

Ethics is knowing the difference between what you have a right to do and what is right to do.

Justice Potter Stewart