

Executive Order Number One - Ban on gifts by lobbyists and vendors to leaders of the executive branch

Jan. 30, 2009

TO: Heads Of All State Departments And Agencies

RE: Ban On Gifts By Lobbyists And Vendors To Leaders Of The Executive Branch

WHEREAS, Delawareans expect and deserve public servants who act at all times in the best interest of the State and its citizens, and not in their own interests or improperly on behalf of special interests;

WHEREAS, pursuant to Title 29, Chapter 58 of the Delaware Code, Executive Branch employees are governed by the State Employees', Officers' and Officials' Code of Conduct, and certain Executive Branch employees are further required to disclose to the State Public Integrity Commission their receipt of gifts, honoraria, reimbursements or other items or payments;

WHEREAS, Governors have the authority to hold senior Executive Branch leaders to a higher standard than that required by Delaware law; and

WHEREAS, it is in the public interest that senior Executive Branch leaders be prohibited from accepting gifts that might create the appearance of impropriety or call into question the actions of senior leaders of the Executive Branch;

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER, on this, the 30th day of January, 2009, that:

1. All Cabinet level officials, division directors, and professional staff members of the Governor's Office shall comply with the

applicable ethics requirements outlined in Title 29, Chapter 58 of the Delaware Code, including its prohibition on the acceptance of any gift that may result in the impairment of independence of judgment in the exercise of official duties, an undertaking to give preferential treatment to any person, the making of a governmental decision outside official channels, or any adverse effect on the confidence of the public in the integrity of the government of the State.

2. All Cabinet level officials, division directors, and professional staff members of the Governor's Office shall not accept any gift from any lobbyist registered pursuant to the requirements of 29 Del. C. § 5832.

3. All Cabinet level officials, division directors, and professional staff members of the Governor's Office shall not accept any gift that they know to be provided by a person, entity or organization that has entered or is seeking to enter a contract with any State agency for the purchase or sale of materiel, nonprofessional services, public works or professional services, or provided by the lawyers or representatives of such person, entity or organization. Except as otherwise stated, the definitions set forth in 29 Del. C. § 6902 shall apply to the terms used in this Paragraph.

4. For purposes of Paragraphs 2 and 3 of this Order, "gift" has the definition set forth in 29 Del. C. § 5812(h), except that "gift" shall not include any: (i) unsolicited item that is freely available to the public, promptly returned, or donated to charity; (ii) item of immaterial monetary value, such as informational material, card, t-shirt, honorary degree or award, plaque or framed certificate with the recipient's name; (iii) item accepted on behalf of the State that shall remain the property of the State; (iv) drinks, snacks or meals with a value of \$39 or less consumed on the premises; (v) complimentary attendance at or invitations to publicly advertised or regularly scheduled functions of a non-profit organization, civic or

government group, or association of businesses or trade groups;
and (vi) item for which the State Public Integrity Commission has
granted a waiver pursuant to 29 Del. C. § 5807.

5. Executive Order Number 8, dated January 18, 2001,
is hereby rescinded.

APPROVED this 1st date of January, 2009