



## DELAWARE PUBLIC INTEGRITY COMMISSION

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TO: Cabinet Secretaries

FROM: State Public Integrity Commission

DATE: November 9, 1995

**SUBJECT: Ethics Bulletin 002 - Payment of Expenses**

On numerous occasions, the State Public Integrity Commission has been advised of situations where individuals are receiving reimbursement of expenses from private companies for travel, lodging, and meals. The State Code of Conduct places certain limitations on such reimbursement. Specifically, the Code provides:

No state employee, state officer or honorary state official shall accept other employment, any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in any of the following:

- (1) Impairment of independence of judgment in the exercise of official duties;
- (2) An undertaking to give preferential treatment to any person;
- (3) The making of a governmental decision outside official channels; or
- (4) Any adverse effect on the confidence of the public in the integrity of the government of the state. 29 Del. C. §5806(b).

In addition to the limitations provided by the State Code of Conduct, the Governor has issued two Executive Orders requiring disclosure to the Commission by Cabinet Secretaries, Division Directors, or persons of equivalent rank within the Executive Branch under certain conditions. See, Executive Order No. 5 as amended by Executive Order No. 19. **[Note: Executive Orders 5 and 19 were subsequently replaced by Executive Order No. 8].**

Although the Commission issues its opinions only on a case-by-case basis, there may be a distinction in accepting reimbursement from an organization which reimburses an employee, officer or official when they speak on official matters as opposed to reimbursement by vendors who have contractual interests with the State.

While the Commission understands that reimbursement of expenses from private companies may reduce costs to the State Agency, the Commission urges a review of the pertinent legislation and if an employee, officer or agency needs a determination of whether a particular factual situation would create a conflict of interest, then an advisory opinion may be requested from the Commission.

cc: Governor Thomas R. Carper