



DELAWARE PUBLIC INTEGRITY COMMISSION

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TO: Cabinet Secretaries
Personnel Officers

FROM: State Public Integrity Commission

DATE: November 9, 1995

SUBJECT: Ethics Bulletin 001 - Nepotism

Recently, the State Public Integrity Commission investigated a complaint alleging that a State employee violated the State Code of Conduct by hiring a close relative to work in the same State agency. Based upon the facts of that particular case, the Commission found no violation; however, the issue of nepotism is a matter of concern to the Commission and it wishes to alert you to the sections of the State Code of Conduct which have applicability.

While there is no specific Delaware law directly prohibiting nepotism, the Code of Conduct prohibits State employees from participating in the review or disposition of matters pending before the State in which there is a personal or private interest that would tend to impair the employee's independent judgment. 29 Del. C. § 5805(a)(1). Included in the definition of interests that would tend to impair judgment is participation in matters that would result in financial benefit or detriment that would accrue to a close relative to a greater extent than would accrue to others. 29 Del. C. § 5805(a)(2)(a). "Close relative" means a "person's parent, spouse, children (natural or adopted) and siblings of the whole and half-blood." 29 Del. C. § 5804(1).

Further, the Code requires State employees to "pursue a course of conduct which will not raise suspicion among the public that he is engaging in acts which are in violation of his public trust and which will not reflect unfavorably upon the State and its government." 29 Del. C. § 5806 (a).

A determination of whether a particular action would violate the above statutory provisions must be made on a case-by-case basis as the law requires that the Commission base its decisions on the "particular fact situation." 29 Del. C. §§5807 (a) and (c), 5809 (2). Accordingly, any specific issues raised by the statute will be addressed by the Commission "upon the written request of any State agency, State employee, State officer, or honorary State official." 29 Del. C. §5807 (a) and (c).

cc: Governor Thomas R. Carper
Leo Strine, Esquire