



## DELAWARE PUBLIC INTEGRITY COMMISSION

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TO: Cabinet Secretaries  
State Procurement Officers

FROM: State Public Integrity Commission

DATE: August 8, 1996

**SUBJECT: Ethics Bulletin 004 - Gifts**

The State Public Integrity Commission alerts you to a provision of the recently passed procurement law dealing with gifts. The new procurement law (Senate Substitute 2 to S.B. 223, as amended by Senate Amendments 1 and 4), was passed on June 26, 1996. The legislation was signed by the Governor on Wednesday, August 7, 1996.

Section 6903(b) of S.B. 223 prohibits agency employees and representatives from seeking or accepting for themselves or others any gifts, favors, entertainment or privileges from any vendor or supplier who does or seeks to do business with any agency. The penalties are: fines of not less than \$1,000 and not more than \$2,000, or imprisonment for not more than 6 months, or both for a first conviction. The remedies and penalties are not exclusive. They are in addition to other procedures, rights or remedies under other provisions of the law, including Title 29, Chapter 58. Chapter 58 is the State Code of Conduct which the Public Integrity Commission administers and implements.

The ban on gifts in S.B. 223 is more restrictive than the State Code of Conduct which does not ban gifts, but restricts acceptance. It provides that: No State employee, officer or honorary official may 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).

**NOTE: THE PROCUREMENT LAW PERTAINING TO GIFTS WAS SUBSEQUENTLY AMENDED. SEE ETHICS BULLETIN 005.**

cc: Governor Thomas R. Carper  
Lawrence Lewis, Esq.