

State of Delaware Public Integrity Commission



ANNUAL REPORT 2025

Ronald Chaney, Chair

Dr. Melissa Harrington & Dr. Susan Bunting, Vice-Chairs

Commissioners

Andrew Manus, Hon. F. Gary Simpson, Judge (Ret.) Susan Del Pesco

Published February 26, 2026

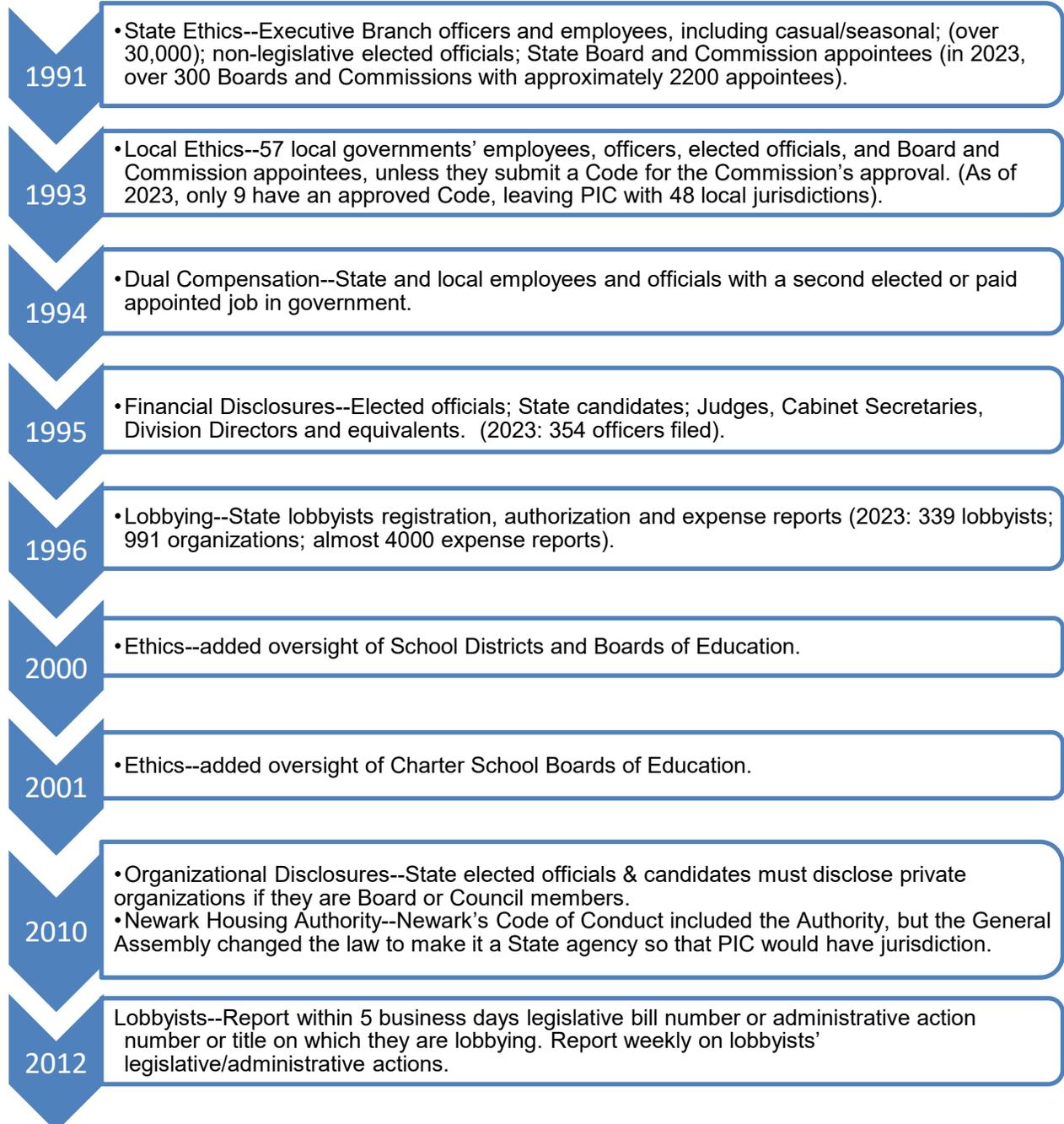
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I. *M*ission:

Administer, interpret and enforce the Code of Conduct (ethics); Financial Disclosure; Dual Compensation; and Lobbying Laws.

Jurisdictional History



II. Commission Structure and Biographies of Commissioners and Staff

- Appointments
 - Qualifications
 - Compensation



- ❖ 7 citizens are the ‘public eye’
- ❖ Nominated by the Governor; confirmed by the Senate
- ❖ Elect their own Chair
- ❖ Cannot be:
 - Elected or appointed official – State, Federal or Local
 - Holder of political party office
 - An officer in a political campaign
- ❖ Terms – one full 7-year term; may serve until successor is appointed and confirmed
- ❖ Vacancies filled like original appointments
- ❖ Pay - \$100 each official duty day; reimbursement of reasonable and necessary expenses (mainly mileage)

A. Commission Appointee Status

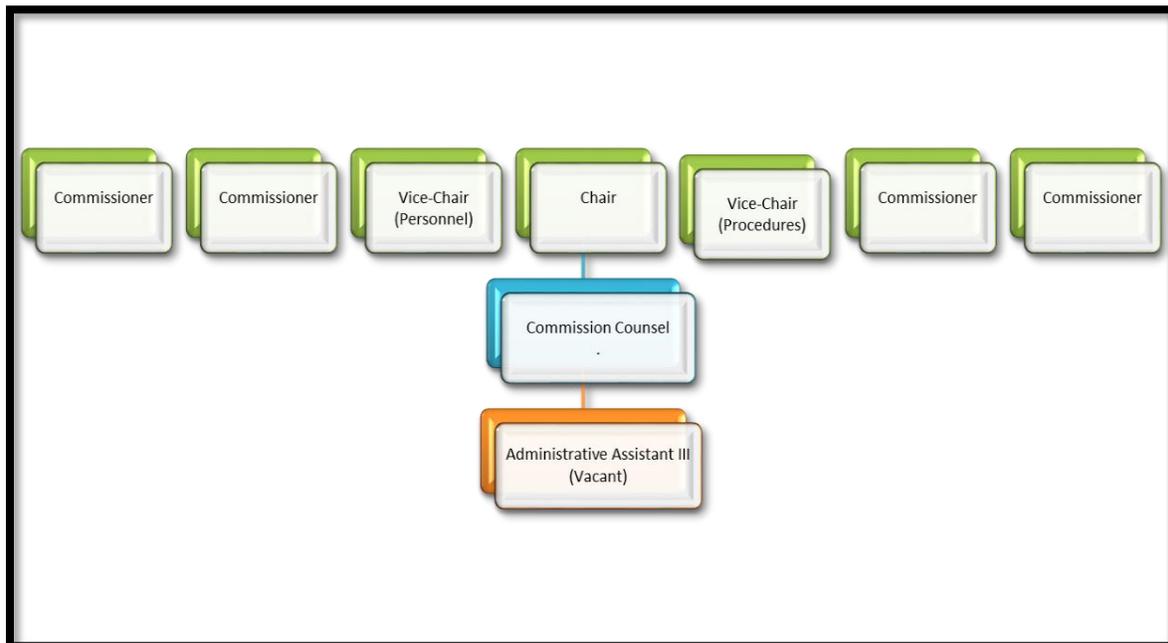
In **2025**, we said goodbye to Judge (Ret.) Alex Smalls and we welcomed Judge (Ret.) Susan Del Pesco to the Commission. The Commission has one vacancy.

B. Commission Staff

The Commission had a two-person full-time staff from 1995 – 2017, an attorney and an administrative assistant, responsible for maintaining day-to-day operations. In early 2017, the Commission decided not to fill a vacancy for the administrative assistant position due to efficiencies in electronic recordkeeping and automated processes.

The Commission's attorney, beyond legal duties, conducts training, prepares Strategic Plans, Budgets, and performs other non-legal duties. The current Commission Counsel began in November 2024.

C. Organizational Chart



D. Biographies of Commissioners

Ronald Chaney Chair

Mr. Chaney was appointed to the Commission on March 9, 2022, for a seven-year term, ending in 2029.

A graduate of Woodbridge High School and the University of Delaware, Mr. Chaney also attended The Delaware Law School and graduate school at UD.

Mr. Chaney was commissioned as an Infantry Officer in the United States Army, serving twenty-one years, during which he deployed multiple times. Among other assignments, Mr. Chaney was Deputy Ground Component Commander for Operation Vigilant Warrior in Southeast Asia and the J3, Director of Operations for US Forces Haiti. In his final assignment, as Chief of the Combat Maneuver Division on the Army Staff, he managed Army procurement program funding for all Infantry, Armor, Engineer, Soldier Systems and Combat ID programs, totaling over four billion dollars annually. His military awards and decorations include the Legion of Merit and the Joint Meritorious Service Medal. Mr. Chaney is one of only a few Officers to ever be awarded the Tomb of the Unknown Soldier Identification Badge, and also has the Expert Infantryman's Badge, Airborne Badge and the Army Staff Badge. He was inducted into the Order of Saint Maurice, the US Army Infantry's Honor Society.



After retirement, Mr. Chaney worked in the Defense Industry; first with SY Coleman, Inc, where he became Vice President of Programs, and then with ESP, LLC, where he was Director of Operations for the National Capital Region.

In 2015, Mr. Chaney was asked to assume responsibilities as the Director of Ceremonies for the Military District of Washington, where he planned, coordinated and managed engagement events with national strategic importance. He advised the President, Vice President, Secretary of State, Secretary of Defense and the Chairman of the Joint Chiefs; coordinated directly with Heads of State and Heads of Government throughout the world and provided direct oversight of ceremonial support to the 58th Presidential Inauguration. Civilian awards include the Meritorious Service Award (twice) and the Superior Service Award.

Mr. Chaney is a past member of the Randolph Macon Woman's College Board of Advisors and the Azalea Charities Board of Directors (Co-chair of the Aid for Wounded Warriors Committee). He served on the ESP, LLC Board of Directors, the R&M Buses Inc. Board of Directors, and Co-chaired the URS Coleman Board of Directors. He also

was a member of the Liberty County (GA) School Board. He continues to serve his community on his neighborhood Advisory Committee and Transition Committee (Chair) and Architectural Review Committee (Chair). He currently is a member of the Rehoboth Beach Country Club's Long Range Planning Committee.

Mr. Chaney and his wife, Betsy, returned to Delaware in 2018 and reside in Rehoboth Beach. Continuing the commitment to service, they have one daughter, married to a US Navy Captain, and two grandchildren.

**Dr. Melissa A. Harrington
Vice-Chair**

Dr. Harrington was confirmed as a Commissioner on September 12, 2023, for a seven- year term to end on September 8, 2030. Dr. Harrington earned her undergraduate degree in Molecular Biology from Purdue University in West Lafayette, Indiana, and her doctoral degree in Neuroscience from Stanford University in Stanford, California.

After completing her education, Dr. Harrington worked for the University of California, Santa Cruz and Morehouse College in Atlanta, Georgia. For the past 23 years, Dr. Harrington has worked at Delaware State University. She began her employment with the University in 2001, as an Assistant Professor of Biotechnology and is currently the Associate Vice President for Research. Dr. Harrington has served as a grant administrator (or co-administrator) over numerous federal grant programs with funding totaling over \$69 million. Sharing her grant-writing expertise with others, Dr. Harrington has been a grant writing coach for the Science & Technology Policy Institute, the National Research Mentoring Network and the Neuroscience Scholars Program of the Society for Neuroscience.



In addition to the foregoing, Dr. Harrington has received numerous professional honors including: Faculty Awards for Excellence in Research and Excellence in Mentoring from Delaware State University; the Distinguished Alumna award, School of Science, Purdue University; and the Faculty Award for Excellence in Service from Delaware State University. Over the course of her career, Dr. Harrington has authored 48 peer-reviewed articles.

Outside of her professional accomplishments, Dr. Harrington enjoys horseback riding. Dr. Harrington resides in Camden, Delaware (Kent County) with her husband, Colin Bonini.

Dr. Susan Bunting
Vice-Chair

Dr. Bunting was appointed to the Commission on June 20, 2024, for a seven-year term, ending in 2031. She was elected Vice-Chair of Administration in August 2024.

Dr. Bunting served as Delaware's Secretary of Education from January 2017 through the end of 2021. Prior to leading the Department of Education's work, she served as Indian River School District's superintendent from July 2006 through January 2017. She earned her B.S. in psychology and elementary education from The American University (1971), a Master's in Education from Salisbury University (1981), and a Doctorate in Education Leadership from the University of Delaware (1997). Prior to her selection as IRSD's chief, she had been a middle school language arts teacher, an elementary gifted/talented teacher, IRSD's Supervisor of Elementary Instruction, and the district's K-12 Director of Instruction. Peers selected her as Indian River's Teacher of the Year in 1984.



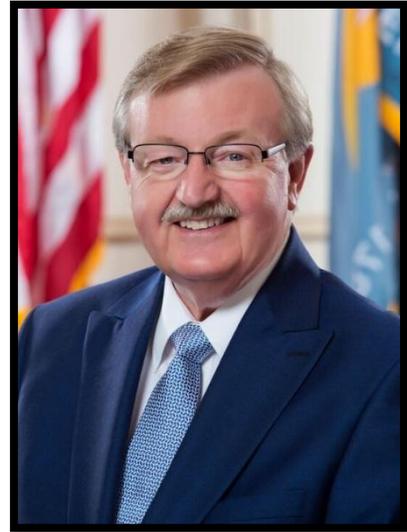
An experienced national conference presenter, Dr. Bunting co-created IRSD's Leadership Institute and Administrative Development Program, both of which led to her renown in leadership development. Widely recognized for her instructional and curricular expertise, Dr. Bunting served as the 2009-2010 president of the Delaware Chief School Officers Association, was named Delaware Superintendent of the Year in 2011-2012, and was subsequently selected as one of four finalists for 2012's National Superintendent of the Year. She is currently teaching for Wilmington University, coaching principals, and working with Delaware Technical Community College's Center for Teaching Excellence. Additionally, Dr. Bunting sits on the Beebe Healthcare Center's Board of Directors, is president of the Primeros Pasos Early Learning Center's Board, and serves as Selbyville Historical Society's vice-president.

(Hon.) F. Gary Simpson
Commissioner

Senator Simpson was appointed to the Commission on June 19, 2019, for a seven-year term, ending in 2026. He was elected chairperson in 2023.

Senator Simpson is a graduate of Milford High School. He has a Bachelor of Science in Pre-Veterinarian Medicine and a Master's of Science in Agricultural Economics, both from the University of Delaware.

Senator Simpson began his career as a 2nd Lieutenant in the U.S. Army Medical Service Corps. After his military service he spent a few years working as a real estate agent and then spent two decades as a management executive working for the Delaware State Fair and the Harrington Raceway. Senator Simpson returned to the University of Delaware as the Assistant Director of University Relations from 1992 to 2012 and was a State Senator from 1998 to 2018.



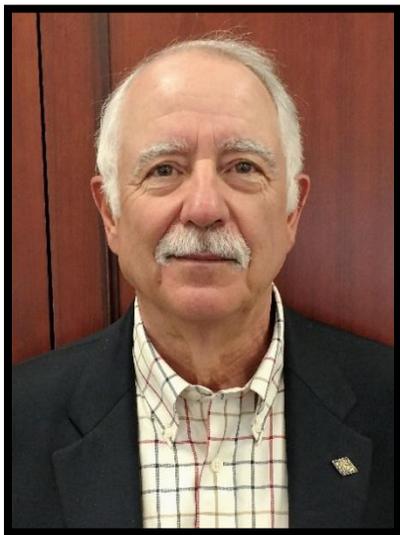
Senator Simpson is a past board member of the Milford Housing Development Council; the Cape Henlopen Senior Center; March of Dimes; and a council member of the U of D Sea Grant Advisory Council. He has also served as a board and Executive Committee member for BayHealth Medical Center, Milford Memorial Hospital and the Council of State Governments where he was Chair of the Agriculture Committee for the Eastern Region. Senator Simpson was previously President of the Milford High School Alumni Association, a charter member and President of the Delaware 4-H Foundation, member and Elder of the Milford First Presbyterian Church and a softball coach and umpire. He most recently stepped down from the Delaware Economic & Financial Advisory Council and the Southern Region Education Board.

Senator Simpson is a board and Executive Committee member for the Delaware State Fair, Inc. and is a member and board member of Eagle's Nest Fellowship Church.

Senator Simpson has received numerous awards for his community involvement including: Order of the First State, as ordered by Governor John Carney; Legislator of the Year, Delaware State Chamber of Commerce; Conservator of the Year, Conservation Service; Legislative Friend of Education Award, Delaware State Education Assoc.; Eagle Award, Associated Builders & Contractors, Inc.; Legislator of the Year, Delaware Standardbred Breeders Association.

Senator Simpson resides in Middletown with his wife, Debbie. They have three daughters and seven grandchildren.

**Andrew T. Manus
Commissioner**



Mr. Manus was confirmed as a Commissioner on March 28, 2018, for a seven-year term expiring in March 2025. He was elected Chairperson in 2020, 2021 and again in 2022. Mr. Manus received his undergraduate degree from the University of New Hampshire and his Master's degree from Texas A&M University.

Mr. Manus' very active retirement includes managing his wife's family farm. As part of his management duties, he practices land stewardship of forested tracts and rehabilitates and repurposes old farm outbuildings. In his spare time Mr. Manus enjoys being a hobbyist woodworker.

Prior to his retirement, Mr. Manus was the Director of Conservation Programs at The Nature Conservancy in Milton, Delaware from 2004-2014. As Director he managed conservation stewardship operations and land protection staff and assisted staff in promoting ecological restoration/management projects and private lands protection strategies.

From 2002-2004, Mr. Manus was the Director of the Ducks Unlimited, Inc., Conservation Programs, Chesapeake Bay and Delaware Bay, Mid-Atlantic Field Office, Stevensville, Maryland. In that role he directed and delivered conservation programs in the five state Mid-Atlantic region while also supervising six staff habitat restoration specialists.

Mr. Manus worked for the Delaware Department of Natural Resources and Environmental Control ("DNREC") from 1990-2001. He was the Deputy Director of the Divisions of Soil and Water Conservation and Water Resources for three years before being appointed Director of the Division of Fish and Wildlife, a position he held for eight years. Mr. Manus was responsible for providing leadership and strategic direction for the Division of 126 full-time employees, 75 seasonal workers and a volunteer corps of 300 individuals. He provided direction to scientists and other professional staff in the development of research, regulatory, planning and enforcement programs designed to manage and conserve the fish, wildlife and habitat resources of Delaware. Mr. Manus administered an operating budget of \$13.5 million, a land acquisition budget of \$6.5 million and a capital budget of \$2.5 million. In addition, he implemented two legal settlement agreements that totaled \$11.5 million.

Between 1980 and 1989, Mr. Manus was Assistant Director and Executive Director of the University of Delaware Sea Grant College Program. He managed the Program through multidisciplinary activities in research, education and technical assistance. Mr. Manus oversaw a budget totaled \$2.5 million for a staff of 35.

Mr. Manus has served on numerous boards, commissions and committees related to his love for the outdoors and conservation. A few of those are: Chairman, Atlantic Coast Joint Venture, 2003 -2007; Member Executive Committee, International Association of Fish and Wildlife Agencies 1996-2000; President, Northeast Fish and Wildlife Directors Association, 1996-1998; Commissioner, Atlantic States Marine Fisheries Commission, 1993-2001; Member, Atlantic Flyway Council, 1993-2001.

Over the course of his career Mr. Manus received numerous awards and honors. Some of those include: Atlantic Coast Joint Venture Leadership Appreciation Award, 2007; Ducks Unlimited, Conservation Service Award, 2002; Atlantic Flyway Council Leadership Recognition Award, 2002; USFWS, Region 5 Division of Federal Aid, Certificate of Appreciation, 2002; USFWS, Northeast Region, Certificate of Special Appreciation, 2002; Pennsylvania Fish and Boat Commission, Outstanding Support Award, 2002; New Castle County Council, Resolution of Appreciation for Outstanding Public Service, 2002; Conservation Foundation Recognition of Appreciation for Commitment to Chesapeake Forest Project, 2001; North American Wetlands Conservation Council Resolution of Appreciation, 2001; Delaware Chapter of The Nature Conservancy's Conservation Partnership Award, 1999; University of Delaware Public Service Fellowship, 1989.

Mr. Manus resides in Clayton, Delaware (Kent County).

**Judge (Ret.) Susan Del Pesco
Commissioner**



Judge Del Pesco was appointed to the Commission on May 16, 2025, for a seven-year term, ending in 2032.

Judge Del Pesco's legal career began in 1975 when she was one of the six women admitted to the bar out of a class of 62. She began her career in the general practice of Schnee & Castle, which later merged with the firm then known as Prickett, Jones, Elliott, Kristol & Schnee.

In 1987 she was the first woman to serve as President of the Delaware State Bar Association. The next year she was the first woman appointed to the Delaware Superior Court. She served on that court until 2008. From 2008-2012 she served as the Public Member on the National Board of the American

College of Obstetricians and Gynecologists. In 2009 she took a position with the Department of Health and Social Services as the Director of the Division of Long Term Care Residents Protection. She retired from that position at the end of 2012. During and after her work with DHSS she was deeply involved in writing and enacting into law the Durable Personal Power of Attorney statute and the Delaware Medical Order for Scope of Treatment (DMOST).

In 2018 Susan was part of the team that secured the 21st Amendment to the Delaware Constitution which provides: Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex.

In 1996 Susan was the first recipient of the newly-created Women's Leadership Award of the Delaware State Bar Association. And in 2009 She was awarded the Bar Association's First State Distinguished Service Award. She was inducted into the Delaware Women's Hall of Fame in 2011. In 2020 She received the Delaware ACLU's Kandler Award, given annually to a Delawarean who "represents the highest commitment to ensuring the Civil Rights and liberties of all Delawareans."

She and husband Tom celebrated their 60th wedding anniversary in August 2025. They have two sons, Joseph, a curator of contemporary art and Nicholas, a psychotherapist. Both are married, and Nicholas has a son.

E. Commission Staff

Benjamin M. Warshaw, Esq. Commission Counsel

As an independent agency, the Commission appoints its own attorney. 29 Del. C. § 5809(12). Mr. Warshaw was appointed in December 2024.

A Vanderbilt Law School graduate, Mr. Warshaw is a member of the Delaware and Pennsylvania Bars. He worked for eight years as an attorney in the Public Defenders Office in Georgetown, handling both misdemeanor and felony cases.



III. Laws Administered by the Commission

❖ Subchapter I, Code of Conduct

Executive Branch and local government ethics.

❖ Subchapter II, Financial and Organization Disclosures

Executive, Legislative and Judicial Branch public officer's annual report of financial interests, such as assets, creditors, income, and gifts. All State elected officials and State candidates must also disclose private organizations of which they are a Board or Council member.

❖ Subchapter III, Compensation Policy

State or local employees or officials holding dual government jobs with procedures to monitor and prevent "double-dipping".

❖ Subchapter IV, Lobbying

Lobbyists' registration, authorization, expense reports, and specific legislative or administrative actions on which they are lobbying State officials or employees.

A. Subchapter I, Code of Conduct – Ethical Standards

Purpose and Jurisdiction:

Twelve (12) rules of conduct set the ethical standards for “State employees,” “State officers,” and “Honorary State Officials,” in the Executive Branch. 29 *Del. C.* § 5804(6), (12) and (13). It also applies to local governments, unless the local government has a PIC-approved Code that is as stringent as State law. 29 *Del. C.* § 5802(4). The purpose is to instill the public’s respect and confidence that employees and officials will base their actions on fairness, rather than bias, prejudice, favoritism, etc., arising from a conflict, or creating the appearance thereof. 29 *Del. C.* § 5802.



Personal Jurisdiction – State Level:

The Code of Conduct applies to all Executive Branch employees (rank and file, including part-time), officers (elected and appointed senior level Executive Branch officials), honorary State officials (approximately **2200** appointees to more than **300** Boards and Commissions), as well as public/charter school employees. Approximately **31,000** persons are in those State categories.

Personal Jurisdiction – Local Level:

At the local level, the number of employees, officers and officials in the local governments over which the Commission has jurisdiction is unknown.

In **2025**, local governments who had adopted their own Codes of Conduct included:

New Castle County
Dover
Lewes

Millsboro
Newark
Smyrna

Delaware City
Georgetown
City of Wilmington

As these municipalities have their own Code, the Commission no longer has jurisdiction over their employees, officers, and appointed officials. The remaining 48 local governments are under the PIC's jurisdiction. In 2013, PIC approved a proposed Code of Conduct for the Town of Dewey Beach which has not yet been formally adopted by the town council.

Subject Matter Jurisdiction:



The Code of Conduct restricts participating in an official government capacity if there is a personal or private interest in a matter before them; bars all employees, officers and officials from representing or assisting a private enterprise before their own agency in their private capacity; bars officers (senior level officials) from representing or assisting a private enterprise before any agency; limits public servants in obtaining contracts with the government entity with which they serve; restricts their activities for 2 years after terminating State employment. 29 Del. C. § 5805. The law also restricts acceptance of gifts, outside employment or anything of monetary

value; use of public office for personal gain or benefit; improper use or disclosure of government confidential information; and/or use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that person or a state agency. 29 Del. C. § 5806. The Code also bars conduct that creates a justifiable impression, or that may "raise public suspicion," of improper conduct, 29 Del. C. § 5802(1) and § 5806(a). Thus, the Commission considers if there is an appearance of impropriety.

The appearance of impropriety, under the Code of Conduct, is evaluated using the Judicial Branch standard, as interpretations of one statute may be used to interpret another when the subject (ethics) and the standard (appearance of an ethics violation) apply in both (public servant) cases. *Sutherland Stat. Constr.* § 45-15, Vol. 2A (5th ed. 1992).

Penalties:

Both criminal and administrative penalties may be imposed.

(1) Criminal Prosecution:

The General Assembly, in passing the law, found that some standards of conduct are so “vital” that the violator should be subject to criminal penalties. 29 Del. C. § 5802(2). Four (4) rules carry criminal penalties of up to a year in prison

and/or a \$10,000 fine. 29 Del. C. § 5805(f). Those rules are that employees, officers, and honorary officials may not: (1) participate in State matters if a personal or private interest would tend to impair judgment in performing official duties; (2) represent or assist a private enterprise before their own agency and/or other State agencies; (3) contract with the State absent public notice and bidding/arm’s length negotiations; and (4) represent or assist a private enterprise on certain State matters for 2 years after leaving State employment. 29 Del. C. § 5805(a)(2). Beyond referring suspected Code violations for criminal prosecution (see more information below), if a majority of Commissioners finds reasonable grounds to believe a violation of other State or Federal laws was violated, they may refer those matters to the appropriate agency. 29 Del. C. § 5807(b)(3) and(d)(3); § 5808(A)(a)(4); and § 5809(4).

In 2015, the PIC’s criminal enforcement power was enhanced by the Attorney General’s creation of the Office of Civil Rights and Public Trust (now the Division of Civil Rights and Public Trust “DCRPT”). Now, when the PIC uncovers a Code of Conduct violation for which there are criminal penalties, the matter may be referred to DCRPT for further investigation and possible criminal prosecution. In **2025**, the PIC referred **0** matters to the Attorney General’s office.

(2) Administrative Sanctions: Violating the above rules may, independent of criminal prosecution, lead to administrative discipline. 29 Del. C. § 5810(h).

Under some rules both criminal and/or administrative sanctions may occur, but violating the following rules results only in administrative action: (1) improperly accepting gifts, other employment, compensation, or anything of monetary value; (2) misuse of public office for private gain or unwarranted privileges; and (3) improper use or disclosure of confidential information. 29 Del. C. § 5806(b), §5806(e) and § 5806(f) and (g).



Disciplinary levels: (1) reprimand/censure of any person; (2) removing, suspending, demoting, or other appropriate disciplinary action for persons other than elected officials; or (3) recommending removal from office of an honorary official. 29 Del. C. § 5810(h).

Case Law Regarding Jurisdiction:

In 2019, Commission Counsel successfully argued to the Delaware Superior Court that the PIC did not proceed improperly, or exceed their authority, by dismissing a Complaint filed against a state-employed attorney who was also subject to the Delaware Lawyers' Rules of Professional Conduct. On appeal, the decision was upheld by the Delaware Supreme Court which issued their *en banc* opinion on February 25, 2019. (See *Abbott v. PIC*, No. 155, 2018, C.A. No. N16A-09-009 FWW (Del. Supr., February 25, 2019).





B. Subchapter II, Financial and Organizational Disclosure Requirements



Both the financial disclosure report and the organizational disclosure are snapshots of any interest held by an official as of the date reported. The decision on whether those interests, or any acquired after that date but not yet reported, create a conflict of interest, is based on the conflict laws for that particular officer. Executive Branch elected officers are subject to the State Code of Conduct; Legislators are subject to the Legislative Conflicts of Interest law; and Judicial officers are subject to the Judicial Code of Conduct.

FINANCIAL DISCLOSURE:

Purpose:

Subchapter II is meant to instill the public's confidence that its officials will not act on matters if they have a direct or indirect personal financial interest that may impair objectivity or independent judgment. 29 *Del. C.* § 5811. Compliance, in part, is ensured when they report financial interests shortly after becoming a public officer, (14 days), and each year thereafter on March 15, while a public officer. 29 *Del. C.* § 5813(c). Identifying the interests helps the public officer recognize a potential conflict between official duties and personal interests that may require recusal or ethical guidance.

Personal Jurisdiction:

More than 350 "public officers" in the Executive, Legislative, and Judicial branches must file financial disclosure reports within 14 days of becoming a public officer and on March 15 each year thereafter. 29 *Del. C.* § 5813(c). Filers include: all Executive and Legislative Branch elected officials; all cabinet secretaries, division directors, and their equivalents; all members of the judiciary; and candidates for State office. 29 *Del. C.* § 5812(n)(1). PIC received **373** Financial Disclosure filings between January 1st and March 15th in **2025**. As State candidates must also file, the number of filers per year varies depending on the number of statewide elections in a given year.

Subject Matter Jurisdiction:

Assets, creditors, income, capital gains, reimbursements, honoraria, and gifts exceeding \$250 are reported. Aside from their own financial interests, officials must report: assets held with another if they receive a direct benefit, and assets held with their spouses and children, regardless of direct benefits. 29 *Del. C.* § 5813.



Penalties:

Willful failure to file a report is a Class B misdemeanor. Knowingly filing false information is a Class A misdemeanor. 29 *Del. C.* § 5815. The Commission may refer suspected violations to the Commission Counsel for investigation and to the AG for investigation and prosecution. *Id.* The penalties are: (1) up to six months incarceration and/or a fine of up to \$1,150 for a Class B misdemeanor, 11 *Del. C.* § 4206(b); and (2) up to one year of incarceration and a fine of up to \$2,300 for a Class A misdemeanor, 11 *Del. C.* § 4206(a). The Court may also require restitution or set other conditions as it deems appropriate. 11 *Del. C.* § 4206(a) and (b).



ORGANIZATIONAL DISCLOSURES:

Purpose:

Potential conflicts can arise from associational interest, even without a financial interest, and if the organization seeks action by the General Assembly, the Governor, Lt. Governor, Treasurer, Auditor, Insurance Commissioner, or Attorney General, the annual reporting reminds them of that possibility. The reports are public records, and may be requested on the FOIA form, on the Commission's website. That allows the public to also monitor the financial and associational interests of these officials.



Personal Jurisdiction:

State elected officials and Candidates for State office are required to disclose their memberships on councils or boards. 29 *Del. C.* § 5813A. Other public officers (cabinet secretaries, division directors, and their equivalents) are not required to file this information.

Subject Matter Jurisdiction:

Elected officials and candidates must disclose the name and address of every nonprofit organization, (excluding religious organizations), civic association, community association, foundation, maintenance organization, or trade group incorporated in the State or having activities in the State, or both, of which the person is a council member or board member. 29 *Del. C.* § 5813A.

Penalties:

Same as for financial disclosure reporting violations.



C. Subchapter III - Compensation Policy – “Anti-Double Dipping Law”

Purpose:

Some elected and paid appointed officials hold a second job with State agencies or local governments. Taxpayers should not pay an individual more than once for overlapping hours of the workday. 29 *Del. C.* § 5821(b). To build taxpayers' confidence that such employees and officials do not “double-dip,” those with dual positions must have their Supervisor verify time records of hours worked at the full-time job on any occasion that they miss work due to the elected or paid appointed position. 29 *Del. C.* § 5821(c) and § 5822(a). The full-time salary may be prorated, unless the dual employee uses leave, compensatory time, flextime or personal time. *Id.*

Jurisdiction:

The number of people to whom this law applies varies based on how many State and local government employees hold dual, government (state, municipal, county) employment.

For those holding dual positions, who also are subject to the Code of Conduct—Executive Branch and local governments--the “double-dipping” restrictions are reinforced by the ethical limits on holding “other employment.” 29 *Del. C.* § 5806(b). Complying with the ethics provision is extra insurance against “double-dipping,” and also helps ensure the “other employment” does not raise ethical issues. Further assurance against double-dipping is that the statute requires the Auditor to annually audit time records. 29 *Del. C.* § 5823. Generally, the audit is comprised of time records for General Assembly members who are also State employees.

Previous reports have found that the State does not have adequate rules and procedures in place to allow for adequate oversight of the Dual Compensation law. Most significantly, the population of individuals who received dual compensation from government entities was unable to be determined from data available to the PIC. While the PIC does collect financial information from the State's Public Officers, it does not have jurisdiction to collect that information from individuals employed by towns, municipalities or counties within the State who may collect dual government income. Substantial changes to the Dual Compensation law are necessary to allow the PIC to gather the information necessary to properly administer this portion of the code. To that end, HB 9 was introduced on January 21, 2025. This Bill would require an elected or appointed official who is also an employee to disclose that information to the Commission within 15 days of the commencement of the dual employment. As of now, the plan is to allow that information to be added on the PIRS website as that is already where financial disclosures are submitted.

Penalties:

Aside from pro-rated pay where appropriate, discrepancies are reported to the Commission for investigation, and/or the AG for investigation and prosecution under any appropriate criminal provision. 29 *Del. C.* § 5823.



D. Subchapter IV – Lobbyist Registration and Reporting

Purpose:

Individuals authorized to act for another, whether paid or non-paid, must register with the Commission if they will be promoting, advocating, influencing or opposing matters before the General Assembly or a State agency by direct communication. 29 *Del. C.* § 5831. Lobbying registration and reporting informs the public and government officials whom they are dealing with so that the voice of the people will not be “drowned out by the voice of special interest groups.” *United States v. Harris*, 347 U.S. 612 (1954).

Jurisdiction:

When PIC began administering the lobbying registration law in 1996, there were approximately 200 organizations represented by lobbyists. At the end of **2025**, **661** lobbyists (**358** lobbyists were ‘active’), representing **1115** different organizations, were registered. However, because some employers have multiple lobbyists, the total number of reportable registrations was **1262**.

Reporting Requirements:

Each lobbyist files quarterly reports revealing direct expenditures on General Assembly members and/or State agency members. 29 *Del. C.* § 5835(c). That results in **5048** (1262 x 4 quarters) expense reports annually. If the expenses exceed \$50, the lobbyist must identify the public officer who accepted the expenditure, and notify the official of the value. *Id.* In **2025**, lobbyists reported expenditures totaling

\$61,584.97, about even from CY 2024. The number of lobbyists and employers registered in the State has remained stable over time.

Lobbyist Expenses

Year	Food & Refreshments	Entertainment	Lodging	Travel	Recreation	Gifts	Total
2025	\$44,149.35	\$14,610.98	\$0.00	\$762.18	\$160.00	\$1,902.46	\$61,584.97
2024	\$44,289.48	\$14,781.60	\$175.00	\$285.69	\$59.00	\$4,271.46	\$63,862.53
2023	\$75,348.65	\$25,182.64	\$5,938.34	\$3,171.98	\$0.00	\$2,379.26	\$112,020.87
2022	\$20,527.24	\$15,899.00	\$400.00	\$796.29	\$45.00	\$13,275.32	\$50,942.85
2021	\$5,408.51	\$7,828.50	\$0.00	\$0.00	\$225.00	\$5,561.36	\$19,023.37

In addition to reporting expenditures, lobbyists are also required to report their lobbying activity. Lobbyists must report legislation by bill number or administrative action by number or title, within 5 business days of lobbying a State official. 29 Del. C. § 5836. “Lobbying” consists of direct communication with a State employee or official, including General Assembly members, for the purpose of advocating, promoting, opposing, or influencing legislation or administrative action. 29 Del. C. § 5831(5). The law also required that all registration, expense reports, and the new “Lobbying Activity Report” be filed online. 29 Del. C. § 5832(a).



Beyond the “Lobbying Activity Reports” that the lobbyists must file, the 2012 legislation required PIC to report all lobbying activity to the General Assembly on at least a weekly basis while the General Assembly is in session. 29 Del. C. § 5836(d). Further, it required that a searchable public database be created so that the public could search for information on the names of lobbyists and their employers, expense reports, and the Lobbying Activity Report. 29 Del. C. § 5836(d).

In 2021, the Public Integrity Reporting System (PIRS) was updated to be more user-friendly. Public users of PIRS can see which lobbyists are involved in specific legislation or administrative regulation, and view lobbyists’ employers and financial disclosures. The new system also made it easier for lobbyists and public officials to submit required lobbying and gift-related reports online. The PIRS online interface is also mobile-friendly, allowing lobbyists to report, and citizens to search, using smartphones, tablets and other mobile devices.

Penalties:

Administrative: The PIC may impose the administrative penalty of cancelling a lobbyist’s registration for failure to timely file their expense reports at the end of each calendar quarter. They may not re-register or act as a lobbyist until all delinquent authorizations and/or reports are filed. *Id.* Obviously, this affects their ability to represent an organization in which they are interested enough to volunteer, or affects their job performance if they cannot perform their paid duties. Recognizing the impact on lobbyists if their registrations are cancelled, the Commission sends several failure-to- file notices

via e-mail, followed by certified letter. If the lobbyist does not respond, before their registration is cancelled, the organization which they represent is also notified. The names of delinquent filers are available on the PIC's website by searching lobbyist reports by quarter.

Over time the administrative penalty ceased to be an effective compliance tool. In the first quarter of 2014, there were 79 delinquent lobbyists. By the end of the third quarter there were over 100 delinquent lobbyists. There were only **17** delinquent lobbyists in the 4th quarter of **2025**. Several of these may be lobbyists who no longer lobby but failed to end their employer authorizations.

Financial: As a result of the increasing number of delinquent filers, in 2014 the PIC successfully introduced legislation to impose a financial penalty on lobbyists for failure to file expense reports in a timely manner. Beginning in 2015, delinquent lobbyists were required to pay a \$25 fine for the first day of their delinquency. Thereafter, an additional \$10 per day accumulated to a maximum fee of \$100. Lobbyists may not resume lobbying until all fees have been paid and all delinquent reports have been filed.



In **CY2025**, the PIC collected **\$4230** in late fees.



Criminal: Any person who knowingly fails to register or knowingly furnishes false information may be found guilty of a misdemeanor. 29 *Del. C.* § 5837. Unclassified misdemeanors carry a penalty of up to 30 days incarceration and a fine up to \$575, restitution or other conditions as the Court deems appropriate. 11 *Del. C.* § 4206(c).



IV. Methods for Achieving Compliance

(A) Training & Publications - 29 Del. C. § 5808(A)(a)(1)

As the Commissioners normally meet monthly, the day-to-day work of providing guidance and facilitating compliance with the laws, conducting seminars and workshops, publishing materials, etc., are the Commission Counsel's statutory duties. *Id.*

To best assist government officials and lobbyists in understanding and complying with the law, the Commission's primary focus is on training. Training is reinforced by handouts and publications which can be reviewed later. For quick reference, an Ethics Brochure with the 12 rules of conduct with some brief case examples is provided. It also has procedures for obtaining advice or waivers, and filing complaints.

A comprehensive **1200+ page** opinion synopses is available on the PIC's website. The synopses are sorted by topic and include a summary of all matters decided by the Commission from 1991 to 2023. As individuals encounter similar situations, they can refer to the synopses for general guidance. The website also includes the Delaware Code of Conduct, all Ethics Bulletins, a brochure on Delaware's gift laws, the Commission's rules and its Annual Reports. For Financial Disclosure filers and Lobbyists, the web site has instructions for on-line filing. Lobbyists can link to the Legislative Bill Drafting Manual if drafting legislation for clients. The web site also includes links to related laws such as the Legislative Conflicts of Interest Law and the Judicial Code of Conduct.



In **2025**, Commission Counsel presented **6** training classes to a total of about **100** attendees. The training classes were presented to a wide variety of state, county, and municipal entities. In an effort to reach more State employees, the PIC purchased a professional training module in 2022, which was available to employees through the Department of Human Resources' training website. The online module did not replace the more in-depth, in-person training sessions. In **2023**, the PIC recognized that its online training module had reached 'market saturation' within the State training pool. The PIC sought, and was granted, a one-time allocation of \$100,000 to update the training module. Consequently, the online

training module was inactive for most of the calendar year while a new module was developed. In September 2023, the PIC's new module went live. Between January and December 2025 more than **2100** State employees completed the new training module.

(B) Advisory Opinions - 29 Del. C. § 5807(c).

Any employee, officer, honorary official, agency, or lobbyist may seek the Commission's advice on the provisions applying to them. Training and publications provide a broad, general view about the State Code of Conduct. However, the Commission's advisory opinions and waivers provide applicants with personal attention



on potential conflicts, guiding them through the steps that would prevent crossing the ethics line. While advisory opinions are non-binding, if the individual follows the advice, the law protects them from complaints or disciplinary actions. 29 Del. C. § 5807(c). Synopses of those opinions later become learning tools at training classes and are available on our website.

The PIC's offices, Margaret O'Neill Building,
410 Federal Street, 2nd Floor, Dover, Delaware 19901



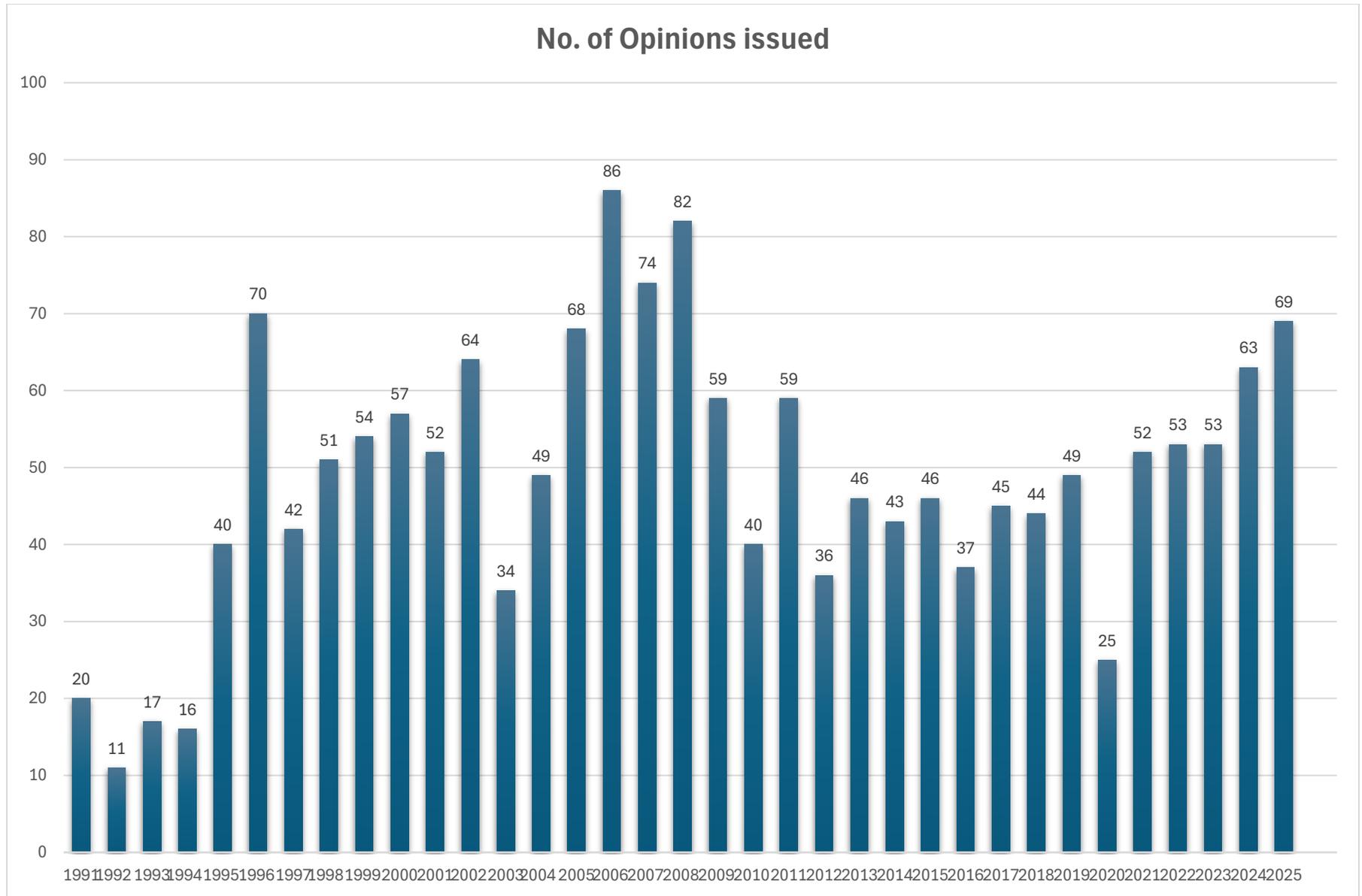
In **2025**, the PIC acted on **69** requests for written advice. (See chart below).
The number of requests for opinions is the same number of requests the Commission
processed last year.

The most commonly sought-after advice topics included:



-
- Gifts*
 - Meals*
 - Post-retirement employment*
-

Number of Opinions Issued 1991-2024



(C) Waivers - 29 Del. C. § 5807(a)

Any employee, officer, honorary official, agency, or lobbyist may seek a waiver. In rare cases, an individual may need to deviate from the law. The Commission may grant waivers if: (1) the literal application of the law is not necessary to serve the public purpose; or (2) an undue hardship exists for the agency or employee. Waivers are open records so the public knows why a deviation from the law was allowed in a particular case. As some standards are so “vital” that they carry criminal penalties, making the information public further instills confidence that an independent body makes the decision. It also gives the public better exposure to the Commission’s deliberation process which may not be as clear when only a synopsis, that cannot identify the individual by name or through sufficient facts, is permitted.

In **2025**, **3** waivers were granted. When a waiver is granted, the proceedings become a matter of public record. Copies of those decisions are also available on the PIC’s website.

(D) Complaints - 29 Del. C. § 5810(a)

Any person, public or private, can file a sworn complaint. The Commission may act on the sworn complaint, or its own initiative. A majority (4) must find “reasonable grounds to believe” a violation may have occurred. 29 Del. C. § 5808(A)(a)(4). If probable cause is found, the Commission may conduct a disciplinary hearing. 29 Del. C. § 5810. The person charged has statutory rights of notice and due process. Violations must be proven by clear and convincing evidence. If a violation is found, the Commission may impose administrative discipline. 29 Del. C. § 5810(d). It may refer substantial evidence of criminal law violations to appropriate federal or State authorities. 29 Del. C. § 5810(h)(2). Frivolous or non-merit complaints, or those not in the Commission’s jurisdiction, may be dismissed. 29 Del. C. § 5809(3).



In **2025**, the Commission acted on **8** Complaints. Some complaints were dismissed, while others resulted in letters sent to those involved.



A Complaint must be in writing, allege violations of specific portions of the Code of Conduct with supporting facts, and be properly notarized. The correct form of notarization is below:

29 Del. C. § 4328(3) For a verification upon oath or affirmation:

State of.....

County of.....

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

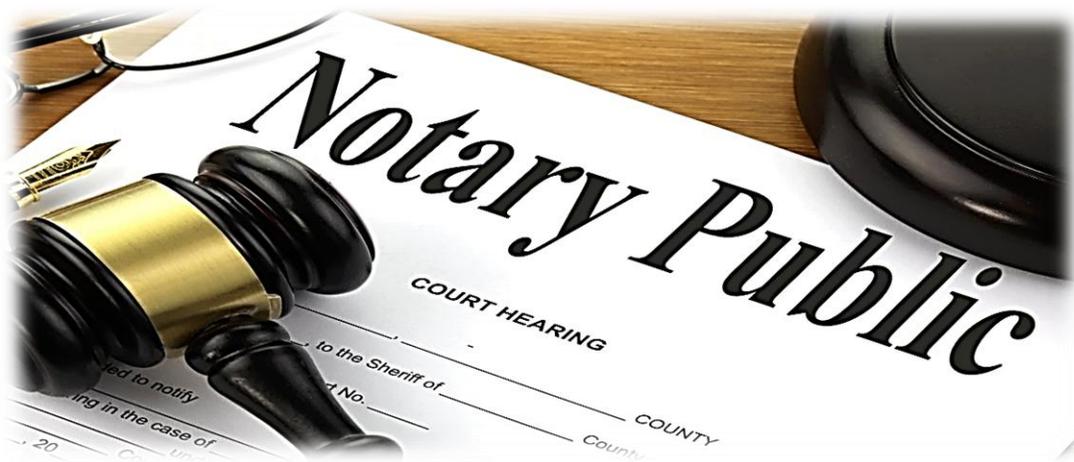
(signature of notarial officer)

(Seal)

(title and rank)

(my commission expires:.....)

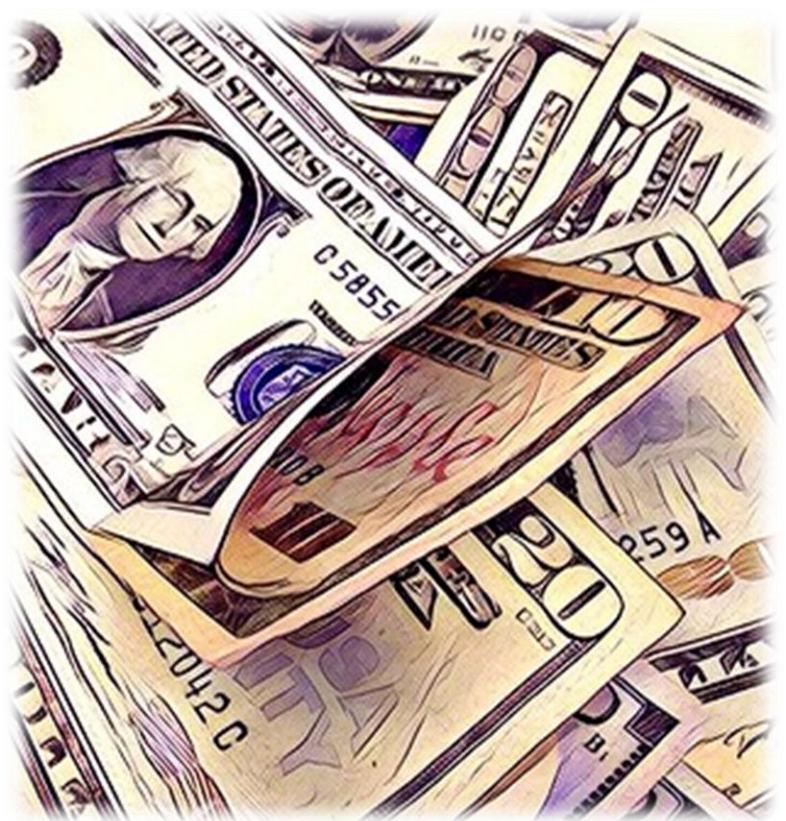
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VI. Funding

In **FY 2025**, which includes the last half of the 2024 calendar year, the General Assembly appropriated **\$224,774** for the PIC. This does not include money allocated for the online training module. The PIC was able to stay under its budget.





VII. Legislation

In 2025, the PIC weighed in on several pieces of legislation. Those bills covered issues such as the financial disclosure forms and FOIA policies. The PIC also continues to push for protection for those who file complaints with the PIC. This whistleblower protection would make sure citizens are able to report ethical violations to the PIC without having to fear for their jobs, or any other kind of retaliation.



VIII. Future Goals

The Commission's focus will be to continue to emphasize education of employees, officers, officials, and lobbyists with the limited resources at our disposal. This includes expanding the number of employees required to take an ethics training or refresher course. The Commission will also prepare to be the repository for information regarding dual compensation. Finally, the Commission hopes to increase protections for those report misconduct.