

# Public Integrity Commission



## Ethics in Government

“When a man [or woman] assumes a public trust, he should consider himself as public property.”

Thomas Jefferson quoted from ‘Life of Jefferson’ by B. L. Raynor

# Feds: N.Y. Assembly \$4M in graft

By Ray Sanchez, CNN

Updated 8:23 PM ET, Thu January 22, 2015



New York Assembly speaker

## Ex- N.Y. Assembly Speaker gets 7 years in prison

By Larry Neumeister  
Associated Press

**NEW YORK** — Sheldon Silver, a former New York Assembly speaker who brokered legislative deals for two decades before criminal charges abruptly ended his career, was sentenced Friday to seven years in prison by a judge who said political corruption in the state "has to stop."

The punishment, announced by U.S. District Judge Valerie E. Caproni, amounts to five fewer years in prison than she gave him after he was initially convicted in the case in 2015.

She noted that the conviction of the 74-year-old Democrat came in a year in which Joseph Percoco, a once-close aide to Democratic Gov. Andrew Cuomo, and former New York State Senate leader Dean Skelos, a Republican, were also convicted at corruption trials.

Until 2015, Cuomo, Silver and Skelos made up what was known in Albany as "three men in a room" who every year negotiated the state budget and important legislation behind closed doors.

The judge said the trials meant that "corruption cases have touched either directly or indirectly all of the infamous three men in a room."

"This has to stop," Caproni said. "New York has to get its act together."

Before announcing the prison term and a \$1.75 million fine, Caproni said Silver seemed to have aged more than would be normal in the last three years while his case has proceeded.

She said "further reflection" led

her to the conclusion that the original sentence was longer than necessary.

Given a chance to speak, Silver, requesting mercy, said: "Going forward, I feel I will continue to be ridiculed and shamed."

Silver's original conviction was tossed out by an appeals court, but he fared no better at a second trial this spring. A jury once again found him guilty of taking nearly \$4 million in return for legislative favors he performed for a cancer researcher and real estate developers.

In a letter to the judge, Silver had begged for mercy. His lawyers had asked that he be given a shorter sentence with a community service component that would allow him to get out from behind bars.

"I pray I will not die in prison," Silver wrote, saying he was "broken-hearted" that he damaged the trust people have in government.

"The work that has been the focus of most of my life has become dirty and shameful," Silver had said in his letter. "Everything I ever accomplished has become a joke and a spectacle. ... I beg for your mercy so that I can somehow go out into the world again to atone to everyone I have hurt."

Prosecutors had argued that Silver "repeatedly corrupted the great power of his office for personal profit" and should get at least a decade in prison.

## Ex-speaker, once a big powerbroker, convicted in N.Y.

Associated Press

**NEW YORK** — Former state Assembly Speaker Sheldon Silver was convicted Monday in a \$5 million corruption case that took down one of New York's most powerful politicians and stunned a capital that had become accustomed to scandal.

The jury verdict came after a three-week trial in which federal prosecutors claimed that the

Ultimately, I believe that after the legal challenges, we'll get results," he said as he left court after being convicted of all charges against him: honest-services fraud, extortion and money laundering. They carry the potential for decades in prison.

His prosecution was a marquee case in Manhattan U.S.

clean 'em-up' that ongoing in state

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r auto-seat, the rest he ship he

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After the sentence was announced, U.S. Attorney Geoffrey S. Berman said in a statement that he hoped the "fittingly stiff sentence sends a clear message: brokering official favors for your personal benefit is illegal and will result in prison time."

The judge said Silver can begin serving his sentence on Oct. 5 if she does not grant a request by his lawyers that he remain free pending appeal.

First elected in 1976, Silver served as speaker for 21 years, resigning after his 2015 arrest from a seat that served lower Manhattan.

His sentencing comes 10 days after Skelos and his son, Adam, were convicted of extortion, wire fraud and bribery at a retrial for each of them.

Like Silver, Skelos and his son also were granted a new trial after the Supreme Court narrowed public corruption law as it reversed the conviction of former Virginia Gov. Bob McDonnell. They were also convicted at a retrial.

Skelos served in the Senate from 1985 to 2015 and became Senate leader in 2008.

Over 30 New York state lawmakers have left office under a cloud of criminal or ethical allegations since 2000. More than a dozen have been convicted of charges including authorizing bribes to get on a ballot, diverting money meant for community programs into a campaign and skimming funds from contributions to a Little League baseball program.

The leader of the Assembly's Republican minority, Brian Kolb, called the conviction "a clear signal — again — to Albany: Enough is enough."

Current Speaker Carl Heastie, a Democrat and Silver's successor, said he would "continue to work to root out corruption and demand more of elected officials when it comes to ethical conduct."

After Silver's arrest, the Legislature passed modest changes, including a requirement that lawmakers disclose more about their private income.

But so far, lawmakers have balked at significant reforms, such as term limits, restrictions on legislators' outside income, tighter campaign finance limits and tougher enforcement of ethics rules.

Prosecutors had argued that they proved Silver traded his office for riches: \$4 million in kickbacks from a cancer researcher and real estate developers. Prosecutors say Silver earned a million dollars more through investments.

"This was corruption," not politics as usual, Assistant U.S. Attorney Andrew Goldstein told jurors.



Sheldon Silver

# Ex-Wilmington Council President Theo Gregory admits to abusing office, receives 'public reprimand'.

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Jeanne Kuang and Christina Jedra, Delaware News Journal  
Published 6:00 a.m. ET April 26, 2019

Former Wilmington City Council President Theo Gregory admitted to "abuse of office" after the city ethics commission investigated him for allocating \$40,000 in council funds to his own nonprofit - and personally pocketing about half of it-on his way out of office.

\$600,000 over the course of his government service



# How Wilmington's former fire chief was able to steal for years

Xerxes Wilson and Jeanne Kuang, Delaware News Journal May 13, 2019

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Wilmington's Former Fire Chief Anthony Goode was able to steal from his fellow firefighters for nearly a decade by taking total control of a nonprofit and using the power of his office to intimidate those who might speak out.

Between 2009 and 2016  
Goode withdrew \$89,700  
theft \$62,000



# Background

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- Ethics Law Passed -1974
- Ethics Commission Created - 1991
- Public Integrity Commission - 1994
- Full-time Staff Hired - 1995
- Commission Members' Background



Delaware.gov

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# Public Integrity Commission

ADMINISTERING AND IMPLEMENTING DELAWARE'S CODE OF CONDUCT FOR THE EXECUTIVE BRANCH.

## Welcome

Pursuant to 29 Del. C., Chapter 58, the State Public Integrity Commission administers and implements Delaware's ethics law (Code of Conduct) for the Executive Branch; its financial disclosure law for all three branches; and its lobbyists' registration and expense reporting laws.

[Read More →](#)

## > Code of Conduct

Ethical standards for all State Executive Branch employees (rank and file), officers (Senior level & Elected officials) and honorary State officials (appointed to the

# Easy Reference

## Code of Conduct Opinion Synopsis



- 1991-2016 Contracting With The State [🔗](#)
- 1991-2016 Jurisdiction & Procedure [🔗](#)
- 1991-2016 Local Codes of Conduct [🔗](#)
- 1991-2016 Outside Employment [🔗](#)
- 1991-2016 Things of Monetary Value [🔗](#)
- 1991-2016 Personal or Private Interest [🔗](#)
- 1991-2016 Post Employment [🔗](#)

*Note: If looking for specific term in a category, hit CTRL F once you have opened the link*

# Statutory Purpose

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- Insure public respect and confidence by setting standards of conduct for State personnel without unduly circumscribing their activities

# Conflict of Interest

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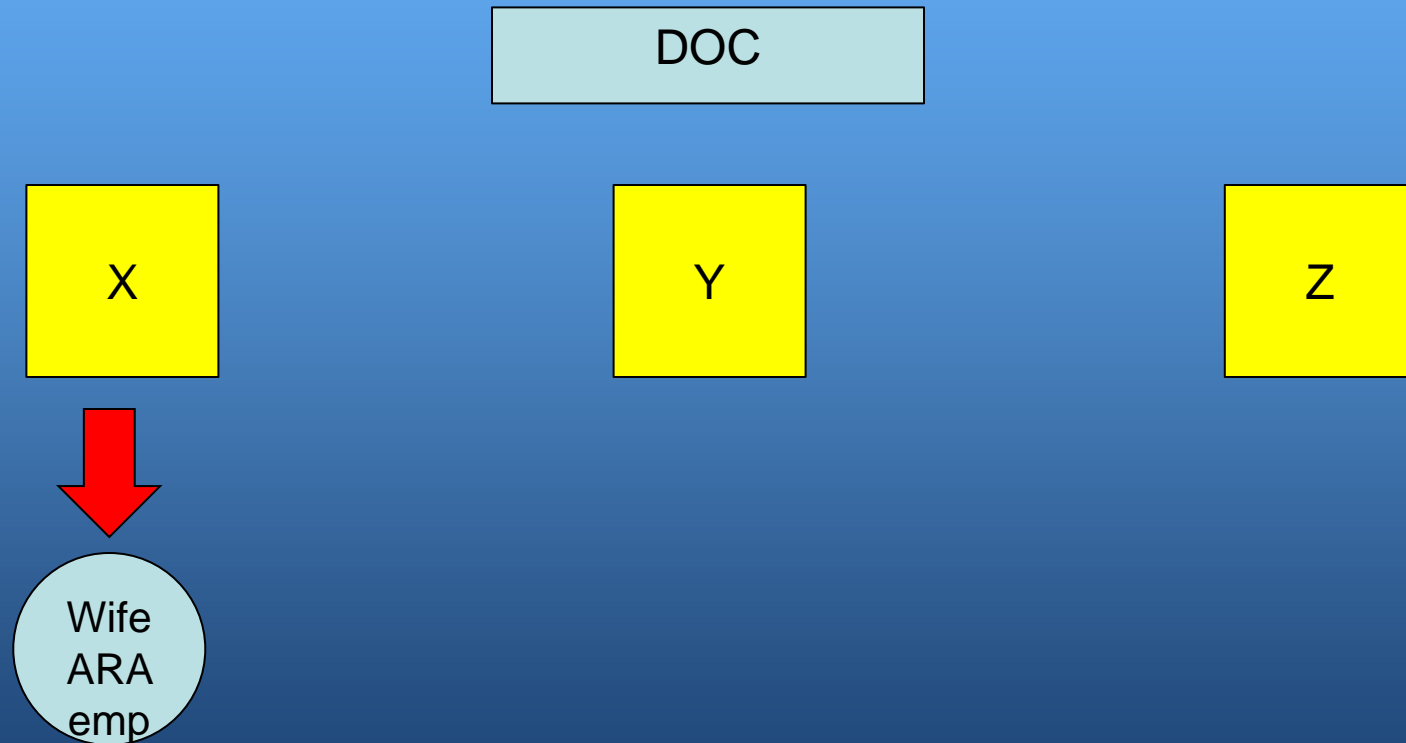
Exercising Authority - 29 Del. C. § 5805 (a) and (b)

- No Personal or Private Interest That Tends to Impair Judgment in Performing County Duties
- *Interests Which Will Impair Judgment*
  - **Financial benefit to self or a close relative**
  - **Benefit to a private enterprise if you or a close relative have a financial interest**
  - **Action: File Disclosure with Commission**

# Personal Interest

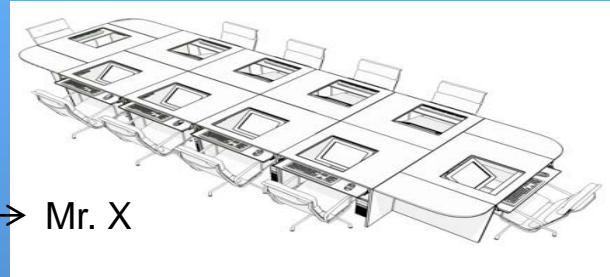
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## Prison Health Systems v. ARA

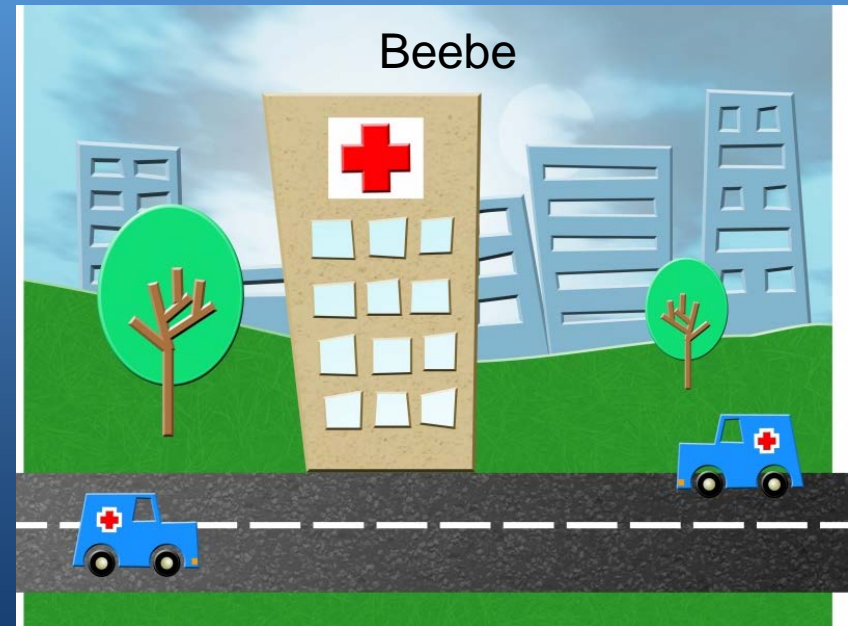
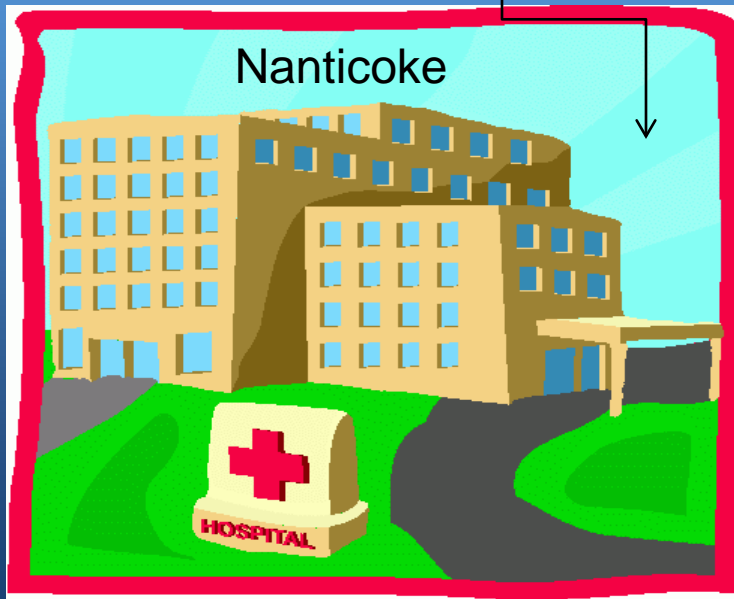


# Personal Interest cont.

## Beebe v. Cert of Medical Needs Board



Mr. X



# Personal Interest cont.

## Brice v. DOC

Christiano

Ma son

David  
Outten's Sec

*Sestito*  
Nephew  
3

Coleman  
Highest  
score  
7



Brice  
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# Conflict of Interest

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Representation - 29 Del. C. § 5805(b)

- Do not represent or assist a private enterprise before the County.
  - *Exception:* You may assist a private enterprise within the scope of official duties.

# Conflict of Interest

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Seeking County Contracts - 29 Del. C. § 5805 (c)

## ■ Public Notice & Bidding

- *Except: Employment Contracts*
- *Except: Contracts < \$2000 - Arms' Length Negotiations*
- *Except: School Transport Contracts -29 Del. C. §6916*

Prohibited for Transportation Supervisors

# Conflict of Interest

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Contracts Violating the Code - 29 Del. C. § 5805(g)

- Contracts violating the Code are voidable, but the Agency shall consider damage to innocent 3<sup>rd</sup> parties. Action to void the contract must start within 30 days after the Agency knows, or should have known, of the violation.
- Other penalties also apply.

# Code of Conduct

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Prohibited Conduct - 29 Del. C. § 5806 (a) and (b)

- No Appearance of Impropriety
  - Reasonable person, knowing all the facts, would think the employee could perform their duties fairly and with impartiality.
- No interest in a private enterprise or any obligation in substantial conflict with performing your public duties

# Code of Conduct

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## Prohibited Conduct - 29 Del. C. § 5806(b)

- No other employment, gift, payment of expenses, compensation, or anything of monetary value if it may result in:
  - *Impaired independence of judgment; or*
  - *Preferential treatment to any person; or*
  - *Official decisions outside official channels; or*
  - *Any adverse effect on public confidence in government*

# Code of Conduct

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Prohibited Conduct - 29 Del. C. § 5806 (c)

Do not acquire a financial interest in a private enterprise if you have reason to believe it may be directly involved in decisions to be made by you in your official capacity.

# Code of Conduct

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Prohibited Conduct - 29 Del. C. § 5806(e)

Public office shall not be used to secure  
unwarranted privileges, private  
advancement or gain.

# Code of Conduct

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Prohibited Conduct - 29 Del. C. § 5806 (f) and (g)

- You may not:

- Engage in activities that might reasonably be expected to require or induce you to disclose confidential information;
- Disclose confidential information beyond the scope of employment;
- Use confidential information for personal gain or benefit.

# Code of Conduct

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Prohibited Conduct - 29 Del. C. § 5806(h)

Do not use the granting of sexual favors, either explicitly or implied, as a condition for an individual's favorable treatment.

# Waivers and Advisory Opinions

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Procedure - 29 Del. C. § 5807

- Written Request
- Confidential *unless*:
  - Applicant Requests in Writing
  - Required for Prosecution
  - Used to Report Substantial Evidence of a Criminal Violation
  - Waiver Granted

# Complaints

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Procedure - 29 Del. C. § 5810

- Sworn Complaint or Commission Acts
- Person Charged Has the Right to:
  - **Notice & Hearing**
  - **Legal Counsel**
  - **Call Witnesses, Offer Evidence, Cross- Examine**
  - **Examine Tangible Material Evidence**
  - **Exculpatory Evidence**
  - **Apply for Subpoenas**
  - **Confidential *unless*: Person Charged asks for Open Proceedings or a Violation is Found**
  - **Judicial Review by Superior Court**

# Sanctions

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- *Criminal Sanctions* - 29 Del. C. § 5805(f) Up to 1 Year or \$10,000 Fine
- *Administrative Sanctions* - 29 Del. C. § 5810(d)
  - Written Reprimand
  - Other than Elected Officials: Remove, suspend, demote or other appropriate action
  - Honorary Officials: Recommend Removal

# QUESTIONS?