

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER  
NUMBER NINETEEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES  
RE: AMENDMENT OF EXECUTIVE ORDER NUMBER FIVE DEALING  
WITH GIFTS AND PAYMENTS BY PRIVATE INTERESTS  
TO MEMBERS OF THE EXECUTIVE BRANCH

WHEREAS, Executive Order Number Five was promulgated on May 10, 1993 because it is in the public interest for some mechanism to be in place to insure that circumstances do not arise which create appearances of impropriety or call into question actions of senior members of the Executive Branch; and

WHEREAS, Executive Order Number Five advanced this public interest by requiring senior officials of the Executive Branch to disclose more information regarding their activities than the law requires; and

WHEREAS, section five of Executive Order Number Five states: "No cabinet secretary, division director or person of equivalent rank within the Executive Branch shall accept a gift from any source which has a value in excess of \$250.00 without the prior approval of the State Ethics Commission. Any application for prior approval shall be made as an application to the State Ethics Commission for an advisory opinion pursuant to 29 Del. C. § 5807."; and

WHEREAS, it has turned out to be impractical to require prior approval of a gift or payment over \$250.00 by the State Ethics Commission ("Commission") because the Commission normally meets only once a month and following section five of the Order requires the Commission to act under extreme time pressure in non-exigent circumstances; and

WHEREAS, the purpose of section five can be accomplished in a more cost-effective and convenient fashion by requiring notice, rather than prior approval, of gifts in excess of \$250.00, thereby allowing the Commission to investigate gifts that the Commission believes raise ethical questions but not requiring the approval of every such gift in advance of receipt.

NOW, THEREFORE, I, THOMAS R. CARPER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. Executive Order Number Five is amended to strike the text of section five and insert in lieu thereof the following language: "Any cabinet secretary, division director or person of equivalent rank who shall accept a gift from any source which has a value in excess of \$250.00 shall provide notice to the State Ethics Commission of the gift, its nature, its source, and its value within 30 days of receipt of the gift."

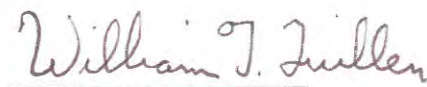
2. This Order be circulated by all cabinet secretaries to persons within their agencies covered by this Order, along with an attached copy of Executive Order Number Five.



APPROVED this 16<sup>th</sup> day of March, 1994.

  
Governor

ATTEST:

  
Secretary of State