



## **City of Wilmington Ethics Commission Conflict of Interest Policy FAQ**

### **1. Where is the City of Wilmington's Conflict of Interest Policy?**

The Conflict of Interest Policy is codified in the City Code at § 2-340 and is available [here](#).

### **2. Who does the Conflict of Interest Policy apply to?**

The City's Conflict of Interest Policy applies to all City employees, elected officials, appointed officials, and honorary officials, including members of Boards and Commission. City Code § 2-340(a).

### **3. Why does Wilmington have a Conflict of Interest Policy?**

In the legislative findings, City Council provided that “[i]n our democratic form of government, the conduct of all elected officials, appointed officials, City employees and honorary officials must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.” City Code § 2-339(b).

### **4. What does the Conflict of Interest Policy prohibit?**

The policy prohibits the following from City employees, elected officials, appointed officials, and honorary officials, including members of board and commissions:

- a. Generally, they may not participate on behalf of the City in the review or decision of any matter pending before the City if the person has a personal or private interest in it. City Code § 2-340(a)(1).
- b. They may not represent or assist a private enterprise with a matter before the City outside the exercise of their official duties. For honorary officials, this is limited to the scope of their appointment with the City. City Code § 2-340(a)(1).
- c. They may not represent or assist any private enterprise on a matter involving the City for two years after leaving the City's employment or appointment with respect to a matter that they were responsible for as part of their official duties. City Code § 2-340(d).
- d. City employees, elected officials, and appointed officials may not contract with the City or benefit from a contract with the City. This also applies to private enterprises in

- which the person has a more than 20% ownership interest (or more than 1% if it is a publicly traded company). City Code § 2-340(c).
- e. City employees, elected officials, and appointed officials may not use their position for personal gain. City Code § 2-340(f).
  - f. Elected officials may not take action on or participate in legislation for they have a private or personal interest or for political contributions, gifts, or money. If an elected official has a personal or private interest in legislation, the person must disclose it before a vote on the matter and vote present on the matter. City Code § 2-340(f)(2).

**5. What are the penalties for violating the Conflict of Interest Policy?**

Violations of the Conflict of Interest Policy may be criminal or administrative in nature. The Delaware Department of Justice and the Wilmington Law Department may prosecute a violation of the conflict of interest policy. Knowing violation of the policy is a Class A misdemeanor punishable by up to 1 year in prison and a fine of \$2,300. The Ethics Commission may also issue administrative penalties for a violation. City Code §§ 2-340(g); 2-345(d).

**6. Who do I contact if I have additional questions?**

You may contact the Wilmington Law Department for legal advice. You may also contact the Commission to request an advisory opinion at [ethicscommission@WilmingtonDE.gov](mailto:ethicscommission@WilmingtonDE.gov). For more information on advisory opinions go [here](#).