

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
May 4, 2022**

CALL TO ORDER: Nick Wasileski called the board meeting to order at 6:36 p.m.

Pre-board reports:

1. Treasurer's Report of April 30, 2022.
2. H.B 405 (Rep. John Kowalko, Jr.) This Act establishes an independent and nonpartisan Office of the Inspector General (OIG) and the position of the Inspector General.
3. H.B.370 (Rep. Mike Smith) This Act seeks to establish the Office of State Inspector General in Delaware

PRESENT: Letty Diswood, John Flaherty, John Kowalko III, John Morgan, Coralie Pryde, Anita Rush, Nick Wasileski

Absent: David Breen, Al Jackson, Keith Steck- excused.

DelCOG members: Cynthia Smith and Katherine Ward.

Guests: Zakary/Buck Daniel Lee, Sammy Lipstock

REGULAR BUSINESS

1. **Introductions:** Nick Wasileski called the meeting to order at 6:36 p.m., welcomed everyone, and introductions were made.
2. **Meeting Minutes:** Minutes of April 6, 2022, Draft #1 with John Morgan's edits was approved as read. John Kowalko III urged to limit changes to the drafts of minutes, and not make minor changes.
3. **Treasurer Report:** Anita Rush gave the Treasurer's Report for April 30, 2022. The current balances in the checking and savings accounts:
WSFS checking account balance as of April 30, 2022, was \$3,711.55
WSFS savings account balance as of April 30, 2022, was \$2,776.86
Total account balance as of April 30, 2022, was \$6,488.41.
The Treasurer's report was adopted as read.

COMMITTEE REPORTS:

1. **Inspector General Update:** John Kowalko III and Nick Wasileski commented on HB 405 and HB 370. The legislative attorney recommended some changes to the Inspector General bill so that the bill complied with Delaware's Constitution, and in the opinion of the attorney it would only need a majority vote for passage. The Inspector General bill now has incorporated the recommendations of DelCOG and has been filed today as HB 405 with 10 sponsors, including bipartisan support in the Senate ([link to bill details](#)). Along with HB 370, sponsored by Rep. Mike Smith and 5 other Republicans ([link to bill details](#)), that is 16 legislators who support the establishment of an Inspector General's Office in Delaware. Besides some minor changes made to Rep. Kowalko's bill, the main changes were removal of UD/DSU, municipalities, and courts from HB 405. Both bills will include subpoena power.

It is hoped that both representatives will join forces and cooperate to move forward with just one bill, even if it requires drafting a third bill.

2. **Sunshine Week program update (held 4/11/2022 at 7-8 pm:** Katherine Ward reported that all three panelists emailed us to thank us for a great event. Senator Tizzy Lockman and News Journal reporter Amanda Fries wanted to connect with Assistant Public Defender Misty Seemans to learn more about the impacts of LEOBOR on defense attorneys. There was an intelligent discussion that laid out various aspects

of law enforcement transparency. Nick Wasileski said that 41 people attended. Katherine Ward noted that probably at least 15-20 people who could not get into the meeting or signed up and did not attend, but she has a lot of new names for DelCOG's email list.

Katherine Ward was thanked for her hard work and John Kowalko III for being a great moderator.

3. **HB 293 Committee:** John Flaherty. A substitute bill (HS 1 for HB 293) has been introduced for Rep. Paul Baumbach's original HB 293, which requires that meetings of public bodies that are open to the public must provide an opportunity for public comment. Flaherty will address this bill at the next board meeting.

UNFINISHED BUSINESS:

1. **Issues Up and Down Delaware:** No report
2. **LWV of Delaware forum** "The Cost of Justice: Delaware's Fines and Fees System" program at noon on May 23. Registration link: Preregister for this free forum: <https://us02web.zoom.us/meeting/register/tZ0tdeuhrzwtGtMyV7eRbM0bfqIDFxn0hR7l>
3. **UD Searches for Administrators-Conduct and Transparency:** John Morgan. There was an extensive discussion of this issue. The summary below is partially based on notes taken by John Kowalko III.
 - John Morgan reported that earlier today UD announced that the search for next provost had concluded with the hiring of Laura Carlson, who has been the Dean of the Graduate School at Notre Dame: <https://www.udel.edu/udaily/2022/may/provost-laura-carlson-announcement/>
 - She never made any open visits to UD's campus, but did meet with Zoom with a few small groups of faculty and administrators.
 - Morgan is skeptical of arguments that searches need to be secretive to get qualified people to apply.
 - Morgan will send to DelCOG Board members a recent article in *Inside Higher Ed* about excessive secrecy in searches for presidents of universities: <https://www.insidehighered.com/news/2022/04/20/what-happens-when-college-cant-find-new-president>
 - John Kowalko III: What steps can DelCOG take?
 - John Morgan: The Delaware legislature has a big say in UD's budget, so we may need to talk to legislators about the unusually secretive practices of UD's Board of Trustees and administration.
 - John Morgan: We could also try to get published in local newspapers an op-ed calling for more transparency in UD's searches for high-level academic administrators.
 - Nick Wasileski: We have good relationship with the *Cape Gazette* and *Bay to Bay News*, which very quickly published every submission we made to them.
 - John Morgan: I have had good conversations with downstate Republican legislators on the issue that UD could be doing much more to provide transparency.

City of Newark Boards and Commissions (John Morgan)

- John Morgan reported that on April 15 he had submitted to the Delaware Attorney General's Office his complaint that his FOIA request on February 9 for the application materials of 3 nominees to the City of Newark's boards and commissions was not fulfilled until more than 2 weeks after the City Council had voted to approve their nominations at its meeting on February 14. Moreover, essentially all the information other than their names had been blacked out on the copies of their resumes the City sent to Morgan on March 3.
 - John Morgan thanked John Flaherty for directing him to information that in Delaware the resume of a successful applicant for employment by a state agency is considered a public record subject to Delaware's FOIA.

- On April 27 the City of Newark responded to the Attorney General’s Office that on February 9, when Morgan had submitted his FOIA request for the application materials of the 3 nominees, their applications were not yet successful.
- Morgan is concerned about outgoing Mayor Jerry Clifton’s statement that in the future “it is up to the individual council member who makes the nomination to vet the nominee.”
https://www.newarkpostonline.com/news/amid-transparency-concerns-council-once-again-changes-board-and-commission-nomination-process/article_2b16595e-1a00-5125-b7ef-9ffd83970020.html
- John Kowalko III: We could take this issue to court if we do not agree with the AG’s decision
- John Morgan: At their Council meeting on March 28, after extensive discussion, Newark’s Council voted that in the future the applications of nominees will be posted online together with the meeting’s agenda, but they will be requesting much less information, such as resumes, or even the names of the nominees’ employers, which is crucial for determining whether a nominee might have a conflict of interest. See pp. 13-16 of this meeting’s minutes:
<https://newarkde.gov/ArchiveCenter/ViewFile/Item/7294>

NEW BUSINESS

1. **New Book - *What's the Matter with Delaware?* by Hal Weitzman**
 Nick Wasileski reported that Hal Weitzman's new book, *What's the Matter with Delaware?*, is now published by the Princeton University Press. The book discusses the corporate anonymity problem in which the Delaware LLC Act enables crimes via the secrecy of beneficial ownership, as well as a historical perspective on "The Delaware Way." Since this book focuses on Delaware, there are people mentioned in the book that board members may know. DelCOG is mentioned in the book on page 199 about its lawsuit **versus** Delaware Chancery Court, which Nick read to the board members. On June 6, 2022, DelCOG will host an evening Zoom event featuring Hal Weitzman, who will discuss his book.
2. **HB 355 Update:** John Flaherty requested that this item be postponed to the next Board meeting. This Act is to fortify the Declaration of Purpose for the Fort DuPont Complex. This Act does the following: Changes the composition of the Board by adding the Director of the Prosperity Partnership, the co-chairs of the Capital Improvement Committee, a director appointed by the Speaker of the House, and a director appointed by the President Pro Tempore of the Senate; and by eliminating the ...
3. **Wilmington Traffic Cameras:** John Flaherty asked that it too be moved to the next meeting.
4. **NFOIC Annual Dues and News:** Nick Wasileski reported a \$250 donation to the NFOIC was made to cover DelCOG's 2022 annual dues payment. Also, the NFOIC 2022 Annual Summit will be held via the internet, similar to the past 2 years. Most likely, this Summit will be held in September.
5. **HB 244 Update:** Nick Wasileski reported that on May 3 HB 244, which addresses court-ordered fines and fees that are a burden on Delaware's low-income residents, was passed 31-9 in the Delaware House of Representatives. In June 2021 this bill did not make it out of committee. On April 13, 2022, Nick Wasileski, representing DelCOG, spoke in support of HB 244 during the House Appropriations Committee hearing. Others spoke in support as well, and no one spoke against it, and it was reported out of committee.
6. **The next DelCOG Board meeting will be on Thursday, June 2 at 6:30 p.m. by Zoom.**

OPEN FORUM

There was a discussion about whether a supermajority vote is needed to pass bills which have budgetary implications because they create a new agency. This needs to be researched.

Adjourned: 7:47 p.m.

Submitted by Letty Diswood, Secretary