

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
Tuesday, March 5, 2024**

CALL TO ORDER: John Kowalko III called the meeting to order at 6:35 p.m.

Pre-board reports:

1. Minutes of February 6, 2024
2. Bank Statements of February 29, 2024,
3. Treasurer's Report of February 29, 2024
4. DelCOG Agenda March 5, 2024
5. Law Enforcement Officers' Bill of Rights" (LEOBOR) sign on request

PRESENT: Letty Diswood, John Flaherty, Al Jackson, John Kowalko III, Sharon Kwiatkowski, Coralie Pryde, Anita Rush, Cynthia Smith, Nick Wasileski.

Absent: David Breen, Sharon Kwiatkowski.

DelCOG Members: Alen Henney, Anna Legates, and Frank -----.

ORDER OF BUSINESS

1. **Introduction:** John Kowalko III welcomed board members, DelCOG members and guests.
2. **Board Meeting Minutes:** The board meeting minutes of February 6, 2024, draft 1 were approved without correction with the condition of Katherine Ward's possible edits.
3. **Treasurer Report:** Anita Rush reported.
The current balances in the checking and savings accounts:
 WSFS checking account balance as of February 29, 2024, was \$3,293.99.
 WSFS savings account balance as of February 29, 2023, was \$7,790.33.
 Total account balance as of February 29, 2024, was \$11,084.32.
There was a deposit of \$25 and a check for \$200 cleared the bank for cosponsoring League Day in Dover.
The Treasurer's report was accepted and filed.

COMMITTEE REPORTS:

1. **Inspector General Chapter Committee:** Nick Waseleski – An update was given on the Inspector General chapter, stating that the book chapter is complete and will be sent to the University of Colorado for publication.

Inspector General Legislation: The Inspector General Committee reported that they are expecting an Inspector General Bill to be introduced in the legislature soon, with Senators Laura Sturgeon, Sokola, Sen. Townsend, and Representatives Kim Williams and Morrison co-sponsoring the bill. DelCOG agreed to wait for a bill number before contacting other organizations for support. A support letter was also discussed and a draft of a letter to be sent to organizations and individuals asking for their support was discussed.

The Inspector General Committee. The chapter had been sent to Robin Kemp, and requested changes were made. They also discussed the need for bios and headshots of individuals who worked on this project for the chapter. The team discussed all the research required for the project, the need for precise footnotes, and the additional work from adjustments and fine-tuning details. Nick Wasileski acknowledged Katherine's significant contribution to the project.

4. **FOIA Committee:** The discussion then shifted to the FOIA Committee, which has not yet had a meeting due to J. Kowalko's ongoing battle with Lyme disease symptoms. The team expressed a desire to prioritize the Inspector General and to create a list of priorities for the upcoming year.
5. **LLC Committee Updates:** Nick discussed the Corporate Transparency Act, a federal law passed in 2019 that required the beneficial owners of limited liability companies to be documented with the Financial Crimes Enforcement Network. However, a recent court decision has ruled the act unconstitutional. The case was filed by the National Small Business United and the National Small Business Association against Secretary of the Treasury Janet Yellen. The court concluded that the act was unconstitutional as it could not be justified as an exercise of Congress's enumerated powers. The decision has sparked concerns about the potential impact on the fight against money laundering, narcotics trafficking, and other illegal activities. This case may be appealed.
6. **Bylaws and Procedures Committee:** The Bylaws and Procedures Committee did not have any updates and is waiting for members to become available.
7. **Website Committee:** DelCOG also mentioned the website committee, noting that there were no updates but that anyone with content to add to the website should do so, send it to Katherine Ward. There was a discussion about adding a donate button to the site, with Katherine suggesting waiting until they have time to carefully consider the implementation.
8. **The Sunshine Week Committee:** The Sunshine Week Committee was also discussed, with Cynthia reporting that they are in the process of planning an event for either April 15th or 16th. They are considering inviting Andrew Craig, a DC-based reporter and whistleblower, and Dr Mary Whitten, an expert on whistleblowing and parasitic industries, to speak.

Cynthia Smith, John Kowalko, and other team members discussed organizing this event related to whistleblowing in Delaware, emphasizing the need to reach local individuals and ensure the panel's relevance to the state. They also discussed the importance of educating whistleblowers on safe reporting methods and the potential risks of retaliation.

UNFINISHED BUSINESS

1. **Lead Free Delaware Update:** No Report about water problems in schools.
2. **Police Radio Encryption:** Alan Henney discussed the lack of transparency in Delaware's law enforcement, with Alan raising concerns about the implementation of a 15-minute delay over the internet and the encryption of dispatch calls. The team agreed to negotiate for more transparency and discussed a draft open letter to be posted on their website.
3. **Organizational Development:** John Kowalko touched upon organizational development expressing a need to access their Twitter account.

4. **SB 13 (151st GA):** John Flaherty discussed SB13 bill that prohibits universities in Delaware from denying admission to ex-convicts. He highlighted a case where a young man was denied re-admission to Wilmington University after serving a prison term. He said that he and Sen. Lawson will have a second look at this bill that had passed in the 151st. GA.
5. **General Assembly Renovation:** The group discussed the General Assembly's proposal to double their office space, which John Flaherty considered this proposal a low priority due to the high vacancy rate in commercial properties and the fact that they only meet for 45 days a year. DelCOG suggested more efficient ways to allocate the proposed \$125 million. The General Assembly already has offices in other buildings. The discussion also touched on the need for more full-time legislative staff and the state of other public facilities such as schools and family courts. The plan for an underground tunnel connecting the new building to the main legislative hall was withdrawn due to concerns about the low water table. The idea of constructing a pedestrian bridge was suggested as an alternative.
6. **2024 Taxes:** Nick informed the group that the 2024 taxes had been filed using a website called Form 990.org.
7. **League Day in Dover:** Letty Diswood thanked the board for cosponsoring this event. Letty will send out the information to the board and it is also posted on DelCOG's webpage. The forum's focus is on "Democracy at a Crossroads: Facing Challenges of Disinformation and Misinformation."

NEW BUSINESS

1. **Law Enforcement Officers' Bill of Rights" (LEOBOR)** A request was received for support for a bill that would provide access to police misconduct files for criminal defense attorneys. This request came from Misty Seemans, who was previously on our 2022 Sunshine Week panel about Delaware's so-called "Law Enforcement Officers' Bill of Rights" (LEOBOR).

"In June 2023, [HB 205](#) passed allowing [limited access for criminal defense counsel to police misconduct records](#). However, when civil attorneys sue the police for injury or other damages, they get access to [all of the officer\(s\)' police misconduct records](#)..... We are simply asking for the same access for criminal defense attorneys, who are representing people facing prison time. Relatedly, more than half of [wrongful convictions](#) involve government misconduct and 35% involve police misconduct. Knowing whether a police officer has [lied, used excessive force, abused their authority, tampered with evidence, or engaged in sexual misconduct](#) is crucially important to a fairer criminal justice system."

A motion, seconded, to sign on to support the draft bill was approved unanimously.

OPEN FORUM

2. **DANA is sponsoring a New Nonprofit Executive Fellowship.** A motion to reimburse Cynthia Smith to attend a series of workshops, 3 virtual and three to be held in person at the Dover Public Library starting March 15, 2024. DelCOG is a member of DANA. A motion, and seconded was made to reimburse Cynthia Smith \$500 for the registration fee was approved unanimously.

Next steps summarized by AI.

Disjointed Discussion: Lack of Coherent Points -

The meeting's content was unclear due to the lack of coherent discussion points and the disjointed nature of the conversation.

- Letty will send a notice about the seminar League Day to the board.
- Nick will refine the OP-ED and work on it with Katherine this week.
- Katherine and John will send their bios and headshots to Katherine for the book chapter.
- Nick will write up a history of the Corporate Transparency Act for the website.
- DelCOG will connect with Anita to get the necessary bank account numbers for the donate button on the website.
- Cynthia will send out the bio for Dr. Mary and Mr. Craig to the team.
- Cynthia will resend the information about whistleblowing to the team.
- The team will get a local speaker for the event.
- The team will consider sending a letter to Dr. Mary inviting her to the event.
- The team will discuss and provide feedback on the draft letter about police radio encryption.

The next board meeting will be on Tuesday, April 2, 2024, at 6:30 p.m. by zoom.

The meeting was adjourned at 7:52 p.m.

Submitted by Letty Diswood, Secretary with help from AI.