

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
Tuesday, June 3, 2025**

Meeting Minutes

The DelCOG monthly board meeting was called to order at 6:42 pm on June 3, 2025, via Zoom.

A quorum was present including the following officers and board members: John Kowalko III, president; Al Jackson, vice president; Anita Rush, treasurer; John Flaherty; Keith Steck; and Nick Wasileski, secretary.

The following guest attendee present was: William Garfinkel.

The May 6, 2025 DelCOG board meeting minutes and the monthly treasurer's report were approved.

Committee Reports

Inspector General Committee – The Inspector General Committee reported on the progress of SB 4. Al Jackson, Keith Steck, John Flaherty, and Bill Shields attended the Senate vote when SB 4 passed. It was discussed that no House majority leadership legislators are currently sponsors of SB 4, and the bill had not been assigned to a House committee at this time. Board members recommended that DelCOG needs to conduct outreach to House legislators for their support of SB 4. The Inspector General Committee will schedule a meeting to discuss House legislator outreach, and Al Jackson will continue his advocacy efforts at Legislative Hall to meet with legislators for their support of SB 4.

LLC Committee 2013 – The LLC Committee discussed a study by a Stanford Law professor, who questioned Chancery Courts' approval of legal fees that are 7 to 18 times the normal hourly rate of Delaware corporate law attorneys. The professor researched 25 years of corporate shareholder cases to examine attorney legal fees. It was suggested that the name of the LLC Committee should be changed to reflect DelCOG's various concerns that are emblematic of the changing climate of Delaware corporate law.

Unfinished Business

General Assembly Renovation - John Flaherty reported on the planned General Assembly building addition and parking garage at a cost of approximately \$155 million. The project has been postponed, while constructing a new parking garage will move forward sometime in the future. Thus far, \$37 million has been approved for the project, but this funding has not been spent yet.

DOL Embezzlement - It was reported that the outcome of the Delaware Department of Labor's \$181,000 embezzlement at the Division of Unemployment Insurance Trust Fund has created auditing problems for the Office of the Auditor of Accounts. The auditor stated that the Trust

Fund in its current state cannot be adequately audited, which is a DelCOG concern about the potential for undiscovered financial problems at the Department of Labor.

HB 9 - This bill addresses “double dipping” by elected or appointed officials employed in state government. The bill was signed into law by the governor, so that dual-state compensation employment by these officials must be reported to the Public Integrity Commission.

HB 6 - DelCOG board members were in agreement that HB 6, which gives the Auditor of Accounts direct subpoena power, is a necessary improvement for the Office of the Auditor of Accounts ability to audit state agencies.

New Business

One-person Office - DelCOG discussed the implications of the FOIA request exemption for public records from a one-person office in state government. The Attorney General’s office sided with the City of Newark Folk Memorial Park FOIA denial, because of the one-person FOIA exemption. It was decided that in the future DelCOG should request an Attorney General opinion of what constitutes a one-person office.

NFOIC Dues - the motion was passed to pay the \$250.00 annual dues for DelCOG’s membership in the National Freedom of Information Coalition (NFOIC).

Open Forum

HB 133 - Nick reported on his public comment at the House Administration Committee hearing about DelCOG’s support for HB 133. HB 133 addresses Delaware judges’ discretion, concerning court-ordered fines and fees of low income residents. The bill was released from the Committee hearing on May 21.

On the topic of the Office of the Inspector General, Will Garfinkel spoke concerning his tenure as Director of the State Welfare Fraud Unit (WFU) from 1986-2006 in the US Department of Health and Social Services. The office’s responsibility was to identify, investigate, and prosecute acts of waste, fraud or abuse, and to recover overpayments of welfare program dollars. The 42 person staff consisted of auditors, investigators, accountants, and collection enforcement officers with three statewide offices.

The office conducted special investigations such as Food Stamp sting operations with the US Secret Service and the USDA OIG, as well as fugitive felon apprehension with state and local police. The recovery of overpaid welfare reached \$1.5 million a year and ~ 100 referrals a month to the AG’s office for felony indictment. The office’s benefit/cost ratio was consistently ~ \$6 : \$1.

DelCOG board meeting adjourned at 8:00 pm.