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“WHEREAS, THE PEOPLE OF NORTH CAROLINA ENTRUST PUBLIC POWER TO ELECTED AND APPOINTED OFFICIALS FOR THE PURPOSE OF FURTHERING THE PUBLIC, NOT PRIVATE OR PERSONAL, INTEREST...”
EXECUTIVE ORDER NO. 127

Letter from the Chairman

It is frequently stated that a key to success in any endeavor is education. Maintaining a high ethical standard in public service is no exception. Therefore, the Board of Ethics believes that the first and most crucial step in promoting and maintaining ethics in state government is raising the level of ethics awareness and understanding among covered “Public Officials.”

To this end, we have vigorously pursued the Governor’s mandate to implement an ethics education and awareness program. As successful as its initiation has been, however, we have reached less than half of the boards, commissions, or agencies covered by Executive Order 127.

I encourage you to schedule a basic ethics education presentation. Moreover, if you have a specific topic about which you would like to receive more information or guidance, please feel free to call or write our office.

George F. Bason 

Education, Education, Education

Executive Order 127 imposes dual education requirements: the Board of Ethics has to teach and covered Public Officials have to learn.

One of the main duties of the Board is to pursue an ethics education and awareness program designed to instill in all Public Officials “a keen and continuing awareness of the ethical obligations of Public Officials” and a “sensitivity to situations that might result in real or potential conflicts of interest or appearances of conflict.” Section 6 (a).

In addition to producing these newsletters, issuing formal and informal advisory opinions, and evaluating statements of economic interest to look for potential conflict of interest situations, the Board of Ethics has pursued its education program through basic ethics presentations to covered boards and commissions. Over 100 presentations have been made or scheduled, but there are plenty more to go.

“It’s what you learn after you know it all that counts.”
Earl Weaver

If your board or commission has not yet scheduled a basic ethics presentation, please call to do so today.

Many boards are now faced with the situation where most existing members have heard the basic ethics awareness presentation, but new members are coming on board. One way to handle this is to make ethics in general and the basic ethics education and awareness presentation part of your **orientation** program for new members.

Inside this Issue

Page 1	Letter from the Chair “Education, Education, Education”
Page 2	Attention: Agency Heads
Page 3	Quotable Wisdom Ethics “Reminder” Language
Page 4	Orientation

Attention: Agency Heads & Board Chairs

Executive Order 127 imposes certain obligations on “the head of each State Agency” (which term includes the chair of each board, commission, and council subject to the Order) which are in addition to those imposed on other covered Public Officials. These obligations are set out in sections 5 and 6 of the Order. Agency heads are encouraged to study these sections carefully.

Agency heads and chairmen are called upon to be leaders in the area of ethics education and conflict prevention. They are to accomplish this overall mission by staying well-informed of current ethics issues and communicating with their staff and fellow members. The following is a summary of some of the main duties imposed on agency heads and chairmen:

- “maintain familiarity” with Board of Ethics reports, opinions, newsletters, and other communications pertaining to conflict of interest issues;
- help fellow members or Public Officials under their authority comply with ethics rules and avoid conflicts of interest; there are several ways the Order specifies that this should be done:
 - remind individual members of any potential conflicts they may have as pointed out in the Board of Ethics’ statement of economic interest evaluation letters;
 - at the beginning of all official meetings, remind all members of their duty to avoid conflicts of interest and appearances of conflict with respect to the public business coming before them at that time (see companion article on page 3);
 - be familiar with the Board of Ethics’ reports or opinions specifically pertaining to Public Officials under their authority; this could involve not only the Statement of Economic Interest evaluation letters mentioned above but also any advisory opinions or complaints relating to particular Public Officials;
 - generally remind Public Officials of their duties under the Order, including the paramount obligation to perform their official duties in a manner to promote the best interest of the public;
- designate an “ethics liaison” to maintain active communication with the Board of Ethics on all Agency ethical issues.

One way to make sure all new Public Officials get their introductory ethics training is to make it part of their **orientation** program. A basic ethics education and awareness presentation can either be incorporated into a general orientation or done as a stand-alone program.

Board staff will be happy to work with you to accomplish our mutual educational goals.

“To educate a person in mind and not in morals is to educate a menace to society.”

Theodore Roosevelt

QUOTABLE WISDOM

“While weakness of will explains a good deal of improper conduct, a much greater problem arises from the failure to perceive the ethical implications of conduct. Many people simply fail to apply their moral convictions to daily behavior. And some tend to develop a kind of professional tunnel vision that blinds them to ethical issues that everyone else sees.”

The Josephson Institute of Ethics

Ethics "Reminder" Language

While impossible to prove, most ethics violations are probably due to an inadvertent or “innocent” inattention to situations giving rise to a potential conflict of interest. In other words, “out of sight, out of mind” is NOT out of trouble from an ethics standpoint. The best defense against unintentional ethics violations is (1) a good working knowledge of what the rules are, coupled with (2) a sensitivity to potential ethical issues while conducting the public’s business. Education is the key to the first half of the equation, and a simple “ethics reminder” may help with the second.

Executive Order 127 places the responsibility to remind fellow members of their ethical responsibilities on the "head of each State Agency" (this term includes the chair of all covered boards, commissions, and councils):

At the beginning of any official meeting of a board, commission, or council, the chair shall remind the members of their duty to avoid conflicts of interest and appearances of conflict. The chair shall also inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters before the board, commission, or council.

Section 5 (b). The order does not specify how this should be done, and the message is much more important than the means in this situation. Some boards and commissions have an “ethics reminder” agenda item, while others include reminder language itself on the printed agenda. Either way protects against an inadvertent omission of this useful requirement.

Again, while there is no “magic language” mandated by the Order, Board staff has developed a sample ethics reminder that Agency heads may find helpful in fulfilling this requirement:

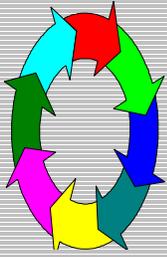
In accordance with Governor Hunt's Executive Order No. 127, it is the duty of every [Board/Commission/Authority/Council/etc.] member to avoid both conflicts of interest and appearances of conflict.

Does any member have any known conflict of interest or appearance of conflict with respect to any matters coming before the [Board, etc.] today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

While no one believes giving a simple ethics reminder at the beginning of official meetings will prevent all ethics violations, if in the rush of conducting the public’s business under tremendous time and energy constraints a reminder highlights and thereby avoids just one conflict of interest or embarrassing appearance of conflict, it has served a valuable purpose for all concerned. It will certainly do no harm.

ORIENTATION



One of the definitions of “orient” is “to align or position with respect to a reference system.” A good time to “orient” new Public Officials to their ethics “reference system” (otherwise known as Executive Order 127) is at their new member/employee orientation.

A basic ethics education and awareness presentation can either be incorporated into a general orientation or done as a stand-alone program. Call us today to make us part of your orientation “team.”