

**Title 116**

Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL CODE OF ETHICS

TABLE OF CONTENTS

<u>Subject of Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Adjudicatory Hearing Before the Department	49-14,101	Ch. 13
Conflicting Employment Causing Confidential Disclosures	49-14,102(2)	Ch. 4
Conflicting Employment Impairing Judgement	49-14,104	Ch. 3
Conflicts of Interest Generally	49-1499	Ch. 2
Definitions		Ch. 1
Disclosure of Information Acquired in the Course of Official Duties	49-14,101 (3)	Ch. 5
Gifts from Industrial Enterprises	49-14,101	Ch. 12
Improper Influence	49-14,101(4)	Ch. 8
Investments in Interested Enterprises	49-14,102	Ch. 9
Sales to Interested Enterprises	49-14,102	Ch. 10
Transactions with Business Entity While Agent of State	49-14,102	Ch. 7
Transactions with Interested Enterprises	49-14,104	Ch. 11

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL CODE OF ETHICS

Table of Contents - Continued

<u>Subject of Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Unwarranted Privileges	49-14,101(4)	Ch. 6
Violations		Ch. 14

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 1 - DEFINITIONS

001. As used in this section:

001.01 The term "Agency" shall mean the Department of Environmental Control

001.02 The term "employee" shall mean any officer, employee, or director of the Agency

Legal Citation: Chapter 1, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 2 - CONFLICTS OF INTEREST GENERALLY

001. No employee of the agency shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

Enabling Legislation: Neb. Rev. Stat. §§ 49-1499 (Reissue 1978)  
Legal Citation: Chapter 2, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 3 - CONFLICTING EMPLOYMENT IMPAIRING JUDGMENT

001. No employee of the Agency shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,104 (Reissue 1978)  
Legal Citation: Chapter 3, Table 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 4 - CONFLICTING EMPLOYMENT CAUSING CONFIDENTIAL DISCLOSURES

001. No employee of the Agency shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

Statute: Neb. Rev. Stat. §§ 19-14,101(2) (Reissue 1978)  
Legal Citation: Chapter 4, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 5 - DISCLOSURE OF CONFIDENTIAL INFORMATION ACQUIRED IN COURSE  
OF OFFICIAL DUTIES

001. No employee of the Agency shall disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interest.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,101(3) (Reissue 1978)  
Legal Citation: Chapter 5, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 6 - UNWARRANTED PRIVILEGES

001. No employee of the Agency shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,101(4) (Reissue 1978)  
Legal Citation: Chapter 6, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 7 - TRANSACTIONS WITH BUSINESS ENTITY WHILE AGENT OF STATE

001. No employee of the Agency shall engage in any transaction as representative or agent of the State with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of this official duties.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,102 (Reissue 1978)  
Legal Citation: Chapter 7, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 8 - IMPROPER INFLUENCE

001. Any employee of the Agency shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is improperly affected by the kinship, rank, position or influence of any party or person. The above shall not in any way prohibit political donations or political activity allowed under the Hatch Act.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,104(4) (Reissue 1978)  
Legal Citation: Chapter 8, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 9 - INVESTMENT IN INTERESTED ENTERPRISES

001. An employee of the Agency shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,102 (Reissue 1978)  
Legal Citation: Chapter 9, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 10 - SALES TO INTERESTED ENTERPRISES

001. No employee of the Agency employed on a full-time basis, nor any firm or association of which such an employee is a member, nor any corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation, or association which is licensed or whose rates are fixed by the Agency in which such employee serves or is employed.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,102 (Reissue 1978)  
Legal Citation: Chapter 10, Title 116

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 11 - TRANSACTIONS WITH INTERESTED ENTERPRISES

001. An employee of the Agency shall not accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter, before any State board or agency which is established by law. Therefore, no employee of the Agency shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the employee is or will be called upon to render a decision or pass judgment upon the same.

Enabling Legislation: Nev. Rev. Stat. §§ 49-14,104 (Reissue 1978)

Legal Citation: Chapter 11, Title 116, Nebraska Department of Environmental Control

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 12 - GIFTS FROM INTERESTED ENTERPRISES

001. An employee of the Agency shall not accept gifts of value or loans from any person doing business with the State, excluding social favors given in the ordinary course of business, such as meals.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,101 (Reissue 1978)

Legal Citation: Chapter 12, Title 116, Nebraska Department of Environmental Control

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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 13 - ADJUDICATORY HEARING BEFORE THE DEPARTMENT

001. In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in proceedings pending before the Agency, the following rules of ethics shall be observed after the initiation of hearing proceedings:

001.01. The Director and members of the Agency shall not submit, and any other parties at an adjudicatory hearing are requested not to submit any ex parte, off-the-record communication to the Director, or to the Agency staff, or to the Hearing Examiner, about any matter in issue in an adjudicatory proceeding; and the Director, the Agency staff participating in the proceeding; and the Hearing Examiner shall not request or entertain any such ex parte, off-the-record communication.

001.02. All communications prohibited by 001.01 above, shall be reported immediately to the Hearing Examiner who shall place the communication or a memorandum thereof in public files associated with the case, but separate from the record material upon which the Agency will rely in reaching a decision. The Hearing Examiner shall take such additional action as he deems advisable which may include recommending entry of a default on the part of the party guilty of the malfeasance.

001.03. The Director and members of the Agency staff shall not offer opinions about any matter in issue in an adjudicatory proceeding to any other party thereto or such party's attorneys, at any time after hearing proceedings have been initiated.

001.04. The Director and members of the Agency shall not submit, and any other parties are requested not to submit, any comments to news media concerning cases presently the subject of an adjudicatory hearing, or cases being tried in court, or an appeal from either.

Enabling Legislation: Neb. Rev. Stat. §§ 49-14,101 (Reissue 1978)  
Legal Citation: Chapter 13, Title 116, Nebraska Department of Environmental Control

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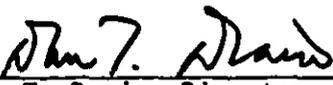
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Title 116 - DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 14 - VIOLATIONS

001. In addition to any penalty contained in any other provision of law, any such employee who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

Adopted for the DEPARTMENT OF ENVIRONMENTAL CONTROL.

  
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Dan T. Drain, Director  
Department of Environmental Control  
State of Nebraska

November 5, 1981

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