



## STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER

RALEIGH, NC 27699-1324

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ROBERT L. FARMER  
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PERRY Y. NEWSON  
EXECUTIVE DIRECTOR

August 1, 2011

The Honorable Beverly Perdue  
Governor of North Carolina  
20301 Mail Service Center  
Raleigh, NC 27699-0301

*Via email*

Re: Evaluation of Statement of Economic Interest Filed By Ms. Heather E. Jacobs Deck  
Prospective Appointee – Sedimentation Control Commission

Dear Governor Perdue:

I am in receipt of Ms. Heather E. Jacobs Deck's 2011 Statement of Economic Interest as a prospective appointee to the **Sedimentation Control Commission** ("Commission"). I have reviewed it for actual and potential conflicts of interest in accordance with G.S. Chapter 138A, the State Government Ethics Act ("the Ethics Act").

**I did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

The Sedimentation Control Commission was established to develop and administer a comprehensive State erosion and sedimentation control program. The Commission also assists local and state governmental agencies in developing erosion and sedimentation control programs, and prepares publications and other materials dealing with sedimentation control techniques.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client, a member of the public servant's extended family, or a business or non-profit with which the public servant is associated would receive a reasonably foreseeable financial benefit.

Ms. Jacobs Deck will fill the role of a non-governmental conservationist on the Commission. She is employed by the Pamlico-Tar River Foundation, a non-profit organization to protect, preserve and promote the environmental quality of the Tar-Pamlico River and its watershed. In light of this interest, Ms. Jacobs Deck should exercise appropriate caution in the performance of her public duties should issues involving the Pamlico-Tar River Foundation come before the Commission. This would include recusing herself to the extent that this interest would influence or could reasonably appear to influence her actions.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

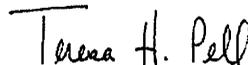
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Pursuant to 138A-15 (c): When an actual or potential conflict of interest is cited by the Commission under G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with this Chapter.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact me if you have any questions concerning my evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,



Teresa H. Pell  
SEI Attorney

THP:bc

cc: Ms. Heather E. Jacobs Deck

Enclosure: Ethics Education Flyer