

Complaint Against State Senator Nicole Poore Senate District 12

This complaint is presented in three sections below. Part I summarizes the key facts documenting Senator Nicole Poore's position as President of Jobs for Delaware Graduates, the increased state funding obtained by agency following her appointment, and the hiring in 2015 of a second top operations executive for JDG.

Part II presents the violations of Delaware law demonstrated by Senator Poore's actions. Part III presents a more detailed report of state funding received by JDG during Senator Poore's tenure as President.

I. Complaint Summary

Nicole Poore was elected to the Senate in 2012. She became Majority Whip for 2017-2018 and Majority Leader for 2019-2020. She also served on the powerful Joint Finance Committee. She currently does not hold a leadership position.

Early in 2015 Senator Poore accepted the position of President of Jobs for Delaware Graduates (JDG). In 2018, based on IRS 990 Forms, Poore's total JDG compensation was \$102,858. Those earnings are in addition to her Senate salary.

She has not recused herself from voting on Grant in Aid nor on the budgets of state agencies which provide generous funding for her nonprofit agency. This 2018 article in the [Delaware State News](#) raised the conflict-of-interest issue for Senator Poore.

This Complaint is a call for an official inquiry to determine whether there was a fair and open competition for the position of JDG President when Senator Poore was hired in 2015, and whether she used her Senate leadership and committee positions to obtain additional state funding for JDG.

How did the position of JDG President become open?

How did Senator Poore become an applicant for the position?

How broad, extensive, and lengthy was the search process for a new President?

Who were the other applicants for the position of President and what were their qualifications?

What role did Senator Poore's position as a powerful legislator play in the Board's selection process?

What steps did the Board take to provide a level playing field for selecting a new President?

What circumstances required hiring of Dianne Jones as “Finance and HR Officer” shortly after Senator Poore became President of JDG?

Did Senator Poore use her Senate committee and leadership positions to gain additional state funding for JDG from DOE, DOL, DHHS and DSCYF?

These are all questions which could and should be answered by a DCRPT inquiry. Section III of this complaint provides more detailed information on JDG’s hiring and funding.

II. Violations of Delaware Law:

The first citation below is from Title 11 of the Delaware Criminal Code, Chapter 5. Specific Offenses, Subchapter VI. Offenses Against Public Administration. Portions of the statute have been bolded for emphasis.

In this case, the “public servant” referred to in this complaint is State Senator Nicole Poore. The bolded definitions section explicitly states that legislators are “Public Servants”.

The complaint is that Senator Poore was “guilty of official misconduct” and “intending to obtain a personal benefit” when she applied for and accepted the position of President of JDG. Point (3) under § 1211 states that the Public Servant is guilty when she “functions in a way intended to benefit the public servant’s own property or financial interests...”. In this case “property or financial interests” refers to Senator Poore’s compensation as President of JDG which totaled \$102,858 in 2018.

Senator Poore’s actions in voting on JDG budget matters without recusing also violated Article II, Section 20 of the Delaware Constitution which is also copied below.

Part B

Abuse of Office

§ 1211. Official misconduct; class A misdemeanor.

A public servant is guilty of official misconduct when, intending to obtain a personal benefit or to cause harm to another person:

(3) **The public servant performs official functions in a way intended to benefit the public servant’s own property or financial interests** under circumstances in which the public servant’s actions would not have been reasonably justified in consideration of the factors which ought to have been taken into account in performing official functions; or

§ 1213. Definitions relating to abuse of office.

In §§ 1211 and 1212 of this title, **the definitions given in § 1209 of this title apply.**

§ 1209. Definitions relating to bribery and improper influence.

As used in §§ 1201-1208 of this title:

(4) **“Public servant” means any officer or employee of the State or any political subdivision thereof, including legislators** and judges, and any person participating as juror, advisor or consultant in performing a governmental function but the term does not include witnesses. This definition includes persons who are candidates for office or who have been elected to office but who have not yet assumed office.

Article II, Section 20 of the Delaware Constitution states:

“Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he or she is a member and shall not vote thereon.”

III. Funding for Jobs for Delaware Graduates (JDG)

JDG receives more Grant in Aid funding than any other non-profit. Table 3 presents GIA funding for JDG from 2013 to 2021. The third column represents total GIA funding for nonprofits in the Disabled/Health/Labor category within the overall GIA budget.

Table 3
Jobs for Delaware Graduates

Jobs for Delaware Graduates	Disabled/Health/Labor	Percent
Year	GIA Amount	
2013	\$1,056,942	33.1%
2014	\$1,406,942	37.8%
2015	\$1,395,197	37.4%
2016	\$1,395,197	37.3%
2017	\$1,395,197	36.6%
2018	\$1,116,158	38.6%
2019	\$1,395,197	34.8%
2020	\$1,395,197	33.7%
2021	\$1,395,197	33.7%

In 2014, shortly before Nicole Poore was hired, the GIA funding for JDG increased by \$350,000. The overall GIA budget for Disabled/Health/Labor increased by \$530,521, but JDG got the lion’s share increasing its percentage of the category budget by 4.7%.

When hard times came for GIA in 2018, every agency took a hit, but the blow for JDG was cushioned somewhat because the agency gained 2% within the Disabled/Health/Labor category.

However, Grant in Aid (GIA) isn't the only state funding available to non-profit agencies. Like PAL, JDG has benefited from funding arrangements with several state agencies as outlined in Table 4. The first six lines are totals from the Delaware State Online Checkbook which goes back to 2016 and shows the year-to-year funding combining GIA and funding from state agencies.

Table 4
Jobs for Delaware Graduates
Revenue from DE State Online Checkbook (SOC)

Revenue Source	2016	2017	2018	2019	2020	Total
GIA	\$1,400,000	\$1,400,000	\$1,120,000	\$1,400,000	\$1,400,000	\$6,720,000
DOE	\$395,364	\$465,093	\$391,381	\$540,509	\$957,800	\$2,750,147
DHSS	\$1,200,000	\$1,150,000	\$907,026	\$805,685	\$874,517	\$4,937,228
DOL	\$1,440,000	\$1,130,000	\$680,776	\$502,086	\$507,009	\$4,259,871
DSCYF	\$70,199	\$67,303	\$67,724	\$78,820	\$72,017	\$356,063
Total from DE SOC	\$4,507,579	\$4,214,413	\$3,168,925	\$3,329,119	\$3,813,363	\$19,033,399
990 Total Revenue	\$4,623,373	\$4,353,867	\$3,358,486	\$3,472,850	NA	NA
Funds Not in DE SOC	\$115,794	\$139,454	\$189,561	\$143,731	NA	NA
% Not in DE SOC	2.5%	3.2%	5.6%	4.1%	NA	NA

JDG funding from state agencies during this five-year period represents approximately two-thirds of the agency's state funding with GIA making up the remainder. There is a striking correlation between state agency funding allocated to JDG and Nicole Poore's Senate Committee assignments.

Poore was a member of the Senate Education Committee. JDG funding from the Department of Education (DOE) started FY 2016 increasing to almost a million dollars in 2020 as presented on Table 4. JDG funding from DOE totaled \$2.7 million during this period.

Nicole Poore is currently Vice Chair of the Senate Labor Committee. JDG funding from DOL totaled \$4.3 million during this same period. Poore is also Vice Chair of the Senate Health and Social Services Committee. The data in Table 4 include \$4.9 million

in DHSS funds. The funding for JDG from DOE, DOL, DHHS and DSCYF total more than \$12 million.

Non-profit executives are generally expected to generate revenues through private fundraising. However, the data in Table 4 indicates that JDG depends overwhelmingly on state funds. The line labeled “990 Total Revenue” comes from the IRS forms submitted by JDG and represents the agency’s total expenditures. Subtracting the state funds provided through the State Online Checkbook yields the remaining funds raised privately by JDG which range from only 2.5% to 5.6%.

Doubling Up on Executive Compensation

Every year nonprofit agencies submit publicly available 990 forms to the IRS. These forms indicate that Nicole Poore started drawing a salary from JDG during the second quarter of 2015.

According to an outdated Linked In profile, the prior President, Susanna Lee, had served since August 2000. Based on the 990 Form, in 2014 her salary was \$106,606 and she was the only executive employed by JDG. In 2015, when Nicole Poore was hired as President, JDG also employed Dianne Jones as “Finance and HR Officer”. The agency went from having one top executive position to two, effectively doubling executive compensation . In FY 2018 and 2019, Ms. Jones actually earned slightly more than President Nicole Poore—\$104,163 to \$102,858 in 2019.

Most nonprofits filling a six-figure position would opt for a full time President. The JDG Board apparently saw value in hiring Nicole Poore although it necessitated hiring a second person to help run the agency.