

**[Waiver 1991-2]**  
W-91-26

August 13, 1991

Robert M. Slessor  
[Address withheld]

Re: Request for Waiver

Dear Mr. Slessor:

By letter dated May 18, 1991, you requested the Ethics Commission to grant you a waiver to allow you to receive compensation for consulting services you have provided IBM.

You have provided the Commission with the following background: In December 1990, you left County employment as the Director of Department of Information Systems and Telecommunications (DIST). During your tenure as Director you had oversight responsibility for all contracts administered by DIST. These contracts included contracts with IBM. The value of these contracts is "in the millions." The County has had a contract with IBM for at least 20 years. After you left County employment, you provided consulting services to IBM by reviewing a "broad finance and administration industry plan." These consulting services did not involve an employee of the County, a County contract, nor even the local branch of IBM that markets to the County. Finally, you indicated that the compensation for your consulting services will not exceed \$1000.

Section 19A-13(b) of the Montgomery County Public Ethics Law prohibits a County employee, for one year after the effective date of termination from County employment, from entering into any employment understanding with a business that contracts with the County if the employee had official responsibility concerning a contract with that business. Accordingly, it would be necessary for you to receive a waiver from the Ethics Commission in order for you to accept compensation for the services you provided IBM.

The Ethics Commission under Section 19A-8(b) may grant a waiver from the prohibitions of Section 19A-13 if the Commission finds:

- “(1) the waiver is needed to ensure that competent services to the County are timely and available;
- (2) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or
- (3) the proposed employment is not likely to create an actual conflict of interest.”

Based on the facts as reflected above, the Commission concludes that your acceptance of compensation from IBM in an amount not to exceed \$1,000 for the services you described is not likely to create an actual conflict of interest. Accordingly, the Commission grants you a waiver to accept compensation from IBM for the consulting services you have provided in an amount not to exceed \$1,000.

This letter confirms the oral decision already given to you. If you have any questions regarding this waiver, please contact the Commission.