

[Waiver 1997-4]

May 28, 1997

Carol Rubin, Esq.

Dear Ms. Rubin:

In your letter of April 11, 1997, you asked the Ethics Commission to reconsider its determination of March 21, 1997 regarding your employment with Moore & Associates. In that earlier determination, the Commission granted your waiver request but set forth three conditions limiting your activities with Moore & Associates.

The Ethics Commission has considered the concerns that you expressed in your April letter. The Commission has decided to modify its earlier decision and has revised the three conditions to accommodate your concerns. Your waiver is now governed by the following conditions:

Condition 1:

If the County enters into negotiations with Moore & Associates during the first year following your employment with the County, you must not be involved in those negotiations.

Condition 2:

You must not represent Moore & Associates in any negotiations with the County regarding the Silver Spring Urban Renewal District during the first year following your employment with the County.

Additionally, you may not participate for 10 years following your employment with the County in any negotiations between Moore & Associates and Montgomery County regarding any Silver Spring Urban Renewal District matters if you significantly participated in those matters as a County employee.

Condition 3:

For ten years following your employment with the County, you must not participate in any litigation against Montgomery County involving contracts between Moore & Associates and the County that were in existence during your County employment (or renewals of those contracts).

With respect to the third condition, you may seek case by case advice from the Commission if you do not believe that you significantly participated in the particular contracts that are the subject of such litigation.

The Ethics Commission has decided to grant your waiver request with these narrower restrictions. The Commission has concluded that the requirements of Section 19A-8 of the Montgomery County Code are satisfied by these revised conditions. The potential harm of any conflict of interest is adequately addressed by this revised waiver.

We trust this letter is responsive to your concerns. If you have any additional questions, please let us know.

Sincerely,
[signed]
Laurie B. Horvitz, Chair

LBH/jlw