



MONTGOMERY COUNTY ETHICS COMMISSION

Stuart D. Rick
Chair

Kenita V. Barrow
Vice Chair

July 12, 2013

BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Waiver 13-07-05

Pursuant to § 19A-12(b) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Tawana Lofton is employed by the County as a Public Administrative Intern. She is seeking a waiver from § 19A-12(b) so that she may work for Maryland Choices, a company that contracts with the Department of Health and Human Services.

In her request, Ms. Lofton describes her County position as follows:

“I serve as the lead worker for the Neighborhood Services Center (NSC) in Gaithersburg, Maryland. At the NSC, County employees called ‘Community Connectors’ assist residents by providing information regarding DHHS programs. Where appropriate, Community Connectors also refer residents to community programs, which could include Maryland Choices. Although my job primarily consists of non-discretionary administrative duties, such as filing reports, scheduling coverage, and ordering supplies, I do provide customer service if one of the Community Connectors is out or it is a particularly busy day.”

The request also indicates that Ms. Lofton’s “County job does not involve any oversight of the County’s contract with Maryland Choices.”

Ms. Lofton’s application for a waiver is supported by the Department. The Department’s support is conditioned on Ms. Lofton’s observance of the Department’s requirement that she not refer clients of the Department to her outside employer.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed

Montgomery County Ethics Commission

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employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's condition in providing its support for the request, the Commission finds that there is no actual conflict of interest; pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

Pursuant to § 19A-8(e), the Commission may impose appropriate conditions to fulfill the purpose of the ethics law when it grants a waiver. Pursuant to this authority, the Commission imposes the following condition:

Ms. Lofton must recuse herself from any activity that comes before her as a County employee if the matter could involve her outside employer, such as through the referral of a client. Further, when Ms. Lofton recuses herself from a matter, she is to refer it to colleagues for consideration or assessment without reference to any assessment she may have already performed on the matter. In other words, the consideration by the persons to whom the matter is referred is to occur without any input by Ms. Lofton on how the matter should or even might be handled.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Lofton.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart D. Rick". The signature is written in a cursive, somewhat stylized font.

Stuart D. Rick
Chair