



## MONTGOMERY COUNTY ETHICS COMMISSION

Stuart D. Rick  
*Chair*

Kenita Barrow  
*Vice Chair*

**September 27, 2013**

**Waiver 13-09-007**

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

Nathan Boczkowski is a Senior Permitting Service Specialist in Building Construction at the Department of Permitting Services (“DPS”). In this position, he reviews documents for compliance with the building code, approves or suspends applications, and discusses structural issues with customers. He communicates about the County’s requirements for construction under Montgomery County’s Special Inspections Program.

Mr. Boczkowski seeks permission to perform structural engineering related work with Comprehensive Structural Solutions, LLC (CSS). Comprehensive Structural Solutions is a small firm located in Gaithersburg, Md., with one full-time employee. It provides structural design work in several states. The outside position with CSS would require Mr. Boczkowski to perform small-scale structural engineering tasks for projects located outside of Montgomery County.

The DPS’s conditions to Mr. Boczkowski’s outside employment request require that, in his capacity as a CSS employee, Mr. Boczkowski not work on projects in Montgomery County. In his capacity as County employee, Mr. Boczkowski is not to review any projects in which CSS is known to have had a design role. Furthermore, the DPS will annually review the volume of work submitted by CSS and consider whether the recusal from working on CSS matters limits Mr. Boczkowski’s ability to perform the duties of his County job.

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 employment is not likely to create an actual conflict of interest. Upon a review of the request and based on the conditions placed on the outside employment by DPS and DPS’s concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of

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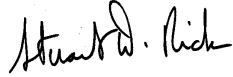
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interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Boczkowski.

For the Commission:



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Stuart Rick, Chair