

**[Advisory Opinion 1997-10]**

April 11, 1997

[Name1 withheld]

Department of Permitting Services

Re: DPS Customer Service Workgroup (CSW) Facilitator

Dear [Name1 withheld]:

The Montgomery County Ethics Commission has received your memorandum of March 4, 1997 and has considered your request.

According to your memorandum, your Department has established a customer service workgroup which is comprised of representatives of a number of different organizations. One of those organizations, the Suburban Maryland Building Industry Association has offered to pay for a facilitator to help this group develop recommendations for improved customer service. The person who has been suggested as the facilitator currently works for a consulting group that has a contract with the County. Until January of this year, the proposed facilitator worked for the County in conjunction with the consulting group.

Based upon the facts described in your request, the Commission has concluded that a waiver is not necessary for the Department to hire the proposed facilitator or to accept the services of a facilitator hired by Suburban Maryland Building Industry Association. This is because Section 19A-16(e) of the County Code does not prevent an agency from accepting unsolicited gifts. The Commission has no basis for concluding that you have solicited the gift. Therefore, a waiver of the gift provisions is not necessary.

However, your memorandum raises another ethics issue concerning former County employees. Because the facilitator is a former County employee who left County service within the last year, she must review the provisions of Section 19A-13(b). She may need a waiver in order to work for a company that has a contract with the County because she may have had official responsibility concerning the contract while a County employee. It is not clear from your request whether she needs a waiver of Section 19A-13. Therefore it would be appropriate for her to consult with the Commission promptly.

Thank you for consulting the Commission. I hope that we have fully answered your question.

Sincerely,

[signed]

Laurie Horvitz, Chair

Montgomery County Ethics Commission

LH/jlw