

W-90-13 [Waiver 1990-13]

November 26, 1990

Mr. Clyde H. Sorrell
County Attorney
101 Monroe Street, 3rd Floor
Rockville, Maryland 20850

Dear Mr. Sorrell:

This letter will confirm the verbal advice given to you after a special Ethics Commission meeting on November 9, 1990, to review your request for a waiver of Section 19A-13(b) of the Ethics Law. Your request was made so that you may seek gainful employment in the private sector now that your term of office as County Attorney is ending.

You have explained to the Commission that for various reasons, the job market in your area of expertise is very limited. You have further explained that the firms of Hogan & Hartson and Smith, Somerville & Case are interested in speaking with you regarding future employment but that both of these firms currently provide legal services to the County. Finally, you have represented to the Commission that your "official responsibility" regarding the County's contracts with these firms has been limited to the following: (1) review and approval of various Smith, Somerville & Case invoices; (2) supervision of the individual who occasionally reviews and comments on various Hogan & Hartson invoices when requested to do so by DOT; (3) recommendation to the County Council that Hogan & Hartson be designated as special counsel for the Garage 49 project. We understand that this recommendation was made by you at the urging of the Department of Transportation.

After fully considering both your written request and your answers to questions posed by the Commission, the Montgomery County Ethics Commission hereby waives Section 19A-13(b)(2) with respect to the two potential employers listed above.

This waiver is based on the Commission's understanding that Hogan & Hartson and Smith, Somerville & Case are not currently representing interests adverse to the County, and is premised on the following findings: (1) that the proposed employment is not likely to create an actual conflict of interest; and (2) that failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees.

As a condition of this waiver, and in recognition of the provision of Section 19A-11(2)(c), the Commission would require that you refrain from any further official review of invoices submitted by these two firms. Accordingly, you should delegate all appropriate authority for these matters to a member of your staff during your final weeks of employment with the County. In the unlikely possibility that some other official

contact is required during the time period, we urge you to immediately seek either an advisory opinion or a waiver from this Commission.

The Commission extends its best wishes to you for the future. Please don't hesitate to contact our office if you have any questions regarding these decisions or the need for additional waivers or advisory opinions during your employment search.