

W-90-16 [Waiver 1990-16]

December 24, 1990

Mr. Robert McGarry  
[Address withheld]

Dear Mr. McGarry:

This letter will confirm the verbal advice given to you after a meeting of the Ethics Commission on December 10, 1990, at which time the Commission reviewed your request for a waiver so that you may take a position with a county contractor following your retirement from the County Government on December 1, 1990.

In discussing this request with Marc Hansen, our legal counsel, you informed him that you were approached by Delon Hampton Associates regarding future employment after Mr. Kramer's loss in the September primary election. You indicated that Delon Hampton Associates had contracts with the county while you served as Director of the Department of Transportation but that (1) you personally had no involvement in selecting them for contracts they were awarded and (2) you did not directly oversee these contracts or significantly participate in their administration. In fact, you noted that you were not even aware that Delon Hampton Associates had contracts with the county until they contacted you in September.

After considering both your written request and the other representations made to Marc Hansen, the Commission hereby waives Section 19A-13(b)(2) of the Ethics Law with the condition that, for a period of one year, you may not be involved in any contracts between Delon Hampton Associates and the Montgomery County Government. This waiver is based on the Commission's understanding that: (1) the proposed employment is not likely to create an actual conflict of interest as your new employment will not involve any transportation related issues; and (2) that failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees.

Please don't hesitate to contact our office if you have additional questions regarding this decision.