MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

May 19, 2016

Waiver 16-05-007

Pursuant to § 19A-12(b)(1)(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.

Gregory Wallace is a Social Worker III (Lead Worker) with the Child Welfare Division at the Department of Health and Human Services (DHHS). He requests a waiver of the prohibition of Section 19A-12(b)(1)(B) so that he can be employed by the Jewish Social Service Agency (JSSA), as a therapist in JSSA's out-patient clinic.

DHHS has several contracts with JSSA, none of which are related or affiliated with the outpatient clinic to which Mr. Wallace will provide services. Mr. Wallace's jobs in both organizations are mutually exclusive and require different knowledge, skills and abilities. Mr. Wallace does not act as a contract monitor or provide any contract oversight for the contracts DHHS has with JSSA.

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 the Department's concurrence in and support for the waiver request, the Commission finds that the proposed outside employment will not create an 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). The waiver is conditioned on Mr. Wallace recusing himself from providing services for JSSA involving a person he knows to be a client of DHHS; furthermore, Mr. Wallace may not, in his official capacity, refer DHHS clients to JSSA.

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

For the Commission:

Steven Rosen

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Steven Rosen, Chair