



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

October 27, 2017

Waiver 17-10-021

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.

Luz Escobar is a social worker with the Children, Youth and Family Services (CYFS) Division, Child Welfare Services (CWS) Section at the Department of Health and Human Services (DHHS). She has requested outside employment to work as a therapist with Family Services, Inc., and requests a waiver of the prohibition of § 19A-12(b)(1)(B) as Family Services contracts with DHHS.

Prior to entering County service, Ms. Escobar was a therapist for Family Services. The outside employment request is limited in that Ms. Escobar is seeking to maintain a therapist relationship with only two long-term clients and will not accept new clients through Family Services.

DHHS has several contracts with Family Services, but Ms. Escobar's role as a therapist is paid solely through Federal and State Medicaid payments. Additionally, Ms. Escobar has no contract procurement or monitoring roles in her official or outside employment capacities.

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 there is no 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 Ms. Escobar not working, in her County capacity, on matters where Family Services is a party; on her not referring DHHS clients to Family Services; and on her not accepting additional Family Services patients aside from the two referred to in her request for the waiver.

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This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Escobar.

For the Commission:



Steven Rosen, Chair