



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Steven Rosen
Vice Chair

April 5, 2019

Waiver 19-03-005

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. Section 19A-8(b)(3) states that the Ethics Commission may grant a waiver of this prohibition if the Commission concludes that the outside employment will not be likely to create an actual conflict of interest.

Abigail Hoffman is a part time Program Specialist II (PSII) with the Planning, Accountability and Customer Service (PACS) unit in the Office of the Director at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in part time outside employment at Seeking Employment, Equality and Community (SEEC), an entity that has contracts with DHHS. Because she seeks to work with an entity that contracts with her County agency, she must request a waiver of the prohibitions contained within the Public Ethics Law regarding being employed by an entity that negotiates or contracts with her County agency.

As a PSII with PACS, she works in an administrative capacity for DHHS. She manages the department's Community Review Program (CRP) and also coordinates DHHS's Intensive Team Meetings (ITM). Her role with the CRPs involves working with volunteer community members who serve on review panels tasked with assessing DHHS programs. The ITMs address multiple and complex needs through a concentrated service integration team approach.

In Ms. Hoffman's County position, she performs various administrative functions related to these two enterprises. In the past, Ms. Hoffman has worked as an ITM facilitator, which brought her into direct contact with DHHS clients needing and/or seeking additional services and resources. However, she indicates that she has not performed this meeting facilitation role in a very long time and does not anticipate doing so in the near future. Currently, she does not provide direct services to any DHHS clients and has no contract monitoring or procurement responsibilities in her County role.

In her proposed outside employment with SEEC, she will be conducting quality assurance for the organization. This includes assisting with the Human Rights Standing committee, including

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membership recruitment, communications, meeting preparation and facilitation. Also, she will be reviewing incident reporting and identifying training needs to coordinate with agency trainers to meet needs. Her responsibilities will involve working with the Director of Knowledge Management to disseminate information to inform service delivery and address quality indicators. She will have no direct contact with the population SEEC serves, which is primarily teens and adults with developmental disabilities. Additionally, she would have no contract monitoring or procurement functions at SEEC, either.

SEEC has a contract with DHHS to promote the normalization of persons with developmental disabilities. The money from that contract goes to direct services provided to people with disabilities. Since Ms. Hoffman will not be providing such services in her proposed role with SEEC, the organization has provided assurances that Ms. Hoffman's position with their organization will not be funded by the DHHS contract.

A waiver may be issued by the Ethics Commission upon a finding of no likelihood of an actual conflict of interest. Ms. Hoffman does not work with the clients of either DHHS or SEEC, so there's no potential for client overlap. And her role with SEEC is wholly separate and apart from her role with DHHS. Her role with SEEC will not be funded by the contract DHHS has with SEEC.

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).

In reaching this decision, the Commission has relied upon the facts presented by Ms. Hoffman in her request for a waiver. The Commission notes that while 19A-12(b)'s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting an employee from working on official matters affecting the employee's outside employer. The waiver approval is conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Ms. Hoffman not making referrals as a County employee to the outside business or soliciting other County employees to make such referrals.

For the Commission:



Rahul K. Goel, Chair