



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Steven Rosen
Vice Chair

August 22, 2019

Waiver 19-07-015

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 of the prohibition. 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.

Yarri Kamara is a Client Assistance Specialist with the Aging and Disability Services (ADS) Division, Aging and Disability Resources Unit (ADRU) at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a part time Needs Assessment Call Specialist with Adventist Health Care (Adventist), an entity that has contracts with DHHS. Because she seeks to work with an entity that contracts with her County agency, she requests a waiver of the prohibition on being employed by an entity that negotiates or contracts with the County agency with which she is affiliated.

As a Client Assistance Specialist, she answers the main telephone line for ADS. She analyzes information gathered from callers, determining whether urgent action is required and provides options counseling for senior care programs and community programs. She provides ongoing case management to seniors to develop solutions to complex social issues involving clients with limited resources. She also educates caregivers on aging in place services and supports that are available. In her role with DHHS-ADS, she works with seniors and physically disabled adults. Additionally, in her role at DHHS, she holds no contract monitoring or procurement responsibilities and is not involved in matters affecting Adventist.

In her role as a Needs Assessment Call Specialist at Adventist, she would answer calls from area hospitals to facilitate hospital to hospital transfers of patients. She would utilize the hospital database to select appropriate placement of potential patients at Adventist Behavioral Health. And she will maintain an accurate census to advise referral sources of the bed availability across the division. In her proposed role with Adventist, she will be dealing with children and adults with pervasive mental illness.

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Conceivably, there could be a population overlap between the people her County division assists and the people who seek mental health services with Adventist. She has represented that in the event she is presented with a crossover case, she will ask a colleague to handle that patient so as to reduce any appearance of a conflict of interest.

At Adventist, Ms. Kamara will not work on matters related to DHHS contracts with Adventist. Adventist has five contracts with divisions at DHHS, but none of those contracts fund Ms. Kamara's outside position with the Adventist Behavioral Health division. The DHHS contracts fund prenatal care to disadvantaged pregnant women in the County, cancer screening and treatment to County residents, and assisted living services to mentally ill residents in the County.

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. Kamara 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. Kamara 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