



## MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel  
*Chair*

Susan Beard  
*Vice Chair*

**April 13, 2020**

### **Waiver 20-04-002**

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.

Markia Graham is a Social Worker II at Child Welfare Services (CWS) in the Children, Youth and Family Services (CYFS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Phone Counselor with the Prince George's County office of Affiliated Sante Group (ASG). ASG is an entity which has contracts with DHHS.

As a Social Worker II with DHHS-CYFS, Ms. Graham works in the intake/assessment unit. She works with children and families that reside in Montgomery County. She has many roles within the unit to include investigating and assessing reports of alleged child abuse and neglect. She also provides case management and permanency planning for children who have been placed in foster care or with relatives.

With ASG in Prince George's County, she will be employed as a phone counselor with its crisis response team. As a phone counselor, she will provide linkage to community resources for residents of Prince George's County. She also will triage and complete screening of crisis calls, dispatching of police or mobile crisis teams, documenting, collecting and monitoring of data, and providing crisis planning as needed. The population she would serve in her proposed outside employment is comprised of only Prince George's County residents.

ASG is a large nonprofit organization that runs several smaller sub-entities. They have offices throughout Maryland – one of which is in Silver Spring, and another of which is in Prince George's County. ASG has four contracts with DHHS, all of which revolve around services provided to Montgomery County community members in crisis through the Silver Spring ASG office. The contracts between DHHS and ASG have nothing to do with the ASG office in Prince

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George's County, and funds for the Silver Spring ASG office are not shared with the Prince George's County office. Therefore, while it is true that her outside employer contracts with her government agency, the contracts are with a different ASG office than the one contracting with Montgomery County DHHS.

Additionally, if, in some unlikely circumstance, she is presented with a crossover client in either of her roles, she will hand that case to a colleague to avoid any potential conflict of interest. And finally, in her role at DHHS, she holds no contract monitoring or procurement responsibilities and is not involved in matters affecting ASG. At ASG, she does not work on matters related to DHHS contracts with ASG.

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 commitments of Ms. Graham and the Department's concurrence in and support for the waiver request, the Commission finds that the proposed employment is not likely to 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).

In reaching this decision, the Commission has relied upon the facts presented by Ms. Graham 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 relating to the outside employer. The waiver approval is conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Ms. Graham not making referrals as a County employee to ASG or soliciting other County employees to make such referrals.

For the Commission:



Rahul K. Goel, Chair