



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

April 14, 2020

Waiver 20-04-003

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.

Stella Akuchie is a Nurse Manager with the Nurse Monitoring Section of the Aging and Disability Services (ADS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a lab instructor at Washington Adventist University, an entity that has a contract with DHHS.

As a Nurse Manager, Ms. Akuchie supervises nurses who go out to client homes and adult day care centers to provide assessment and oversight of the caregiver's work. In her role as a lab instructor, she teaches lab skills two hours a per week. Nursing students practice nursing skills in the lab and through return demonstration.

Washington Adventist University has one contract with DHHS. The contract provides for clinical sites for nursing students to learn nursing skill enhancements. The contract with DHHS does not fund her proposed role with the university. Also, there is no overlap between her role as Nurse Manager at ADS and the lab instructor position. The nurses she supervises in her official capacity already have nursing degrees and are licensed professional nurses. The students she will be teaching at the university are undergraduate nursing students without degrees and without professional licenses.

Additionally, in her role at DHHS, Ms. Akuchie holds no contract monitoring or procurement responsibilities and is not involved in matters affecting Washington Adventist University. At Washington Adventist University, she does not work on matters related to the DHHS contract with Washington Adventist University and holds no contract execution functions for the university in relation to its contract with DHHS.

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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. Akuchie 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. Akuchie 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. Akuchie not making referrals as a County employee to Washington Adventist Hospital or soliciting other County employees to make such referrals.

For the Commission:

A handwritten signature in blue ink, appearing to read 'Rahul K. Goel', is written over a horizontal line.

Rahul K. Goel, Chair