



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

May 19, 2020

Waiver 20-05-005

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.

Ebenezer Osae is an Income Assistance Program Specialist I for the Office of Eligibility and Support Services (OESS) program at the Division of Children, Youth and Family Services (CYFS) at the Montgomery County Department of Health and Human Services (DHHS). He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed as a Special Police Officer at Holy Cross Hospital (Holy Cross), an entity which has contracts with DHHS.

In his role as the Program Specialist I for OESS at CYFS-DHHS, Mr. Osae's primary responsibilities include determining eligibility for government assistance for low income families in Montgomery County and case management for eligible families. As a Special Police Officer at Holy Cross, he is tasked with providing safety and protection to staff and patrons of the hospital. As a requirement for this position, he has a Special Police Certification from the State of Maryland.

It is possible that persons he assists in his official County capacity will patronize Holy Cross as members of the public. However, as a Special Police Officer, his interaction with them would be limited and unrelated to his County duties. If he is called on to interact with someone at Holy Cross who he is aware he has assisted through his official responsibilities, it would generally be an emergency situation if he is exercising Special Police powers. In such a situation, he would be unable to pass off those duties to someone else. However, he would ask his County supervisor to reassign the individual's case management to one of his colleagues.

Holy Cross has five contracts with the Public Health Services Division at DHHS, related to cancer screening and prevention, providing meals to senior citizens, assistance to individuals with chronic medical conditions, and providing prenatal care to low income, uninsured women and their newborns. Mr. Osae's proposed role at Holy Cross is very general in nature and does not specifically involve any of these contracts. All contracts between Holy Cross and DHHS are through the Division of Public Health Services. Therefore, while it is true that his proposed

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outside employer contracts with his government agency, the contracts are not connected with his specific division within DHHS. Furthermore, Mr. Osae does not perform any contract procurement, execution or management in either his County job or his proposed outside employment with Holy Cross.

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 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 approval of this waiver is conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Mr. Osae not making referrals as a County employee to Holy Cross Hospital or soliciting other County employees to make such referrals.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Osae.

For the Commission:

A handwritten signature in blue ink, appearing to read 'Rahul Goel', with a stylized flourish at the end.

Rahul Goel, Chair