



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

August 28, 2020

Waiver 20-08-009

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.

Vandana Singh is a part-time Library Associate at the Potomac Branch of the Montgomery County Public Library (MCPL). She would like to engage in short term, temporary outside employment as Tutoring Program Intern with the Literacy Council of Montgomery County (Literacy Council), an entity which does business with MCPL.

In Ms. Singh's role as a Library Associate, her primary responsibilities involve direct customer service at the Potomac Library. She provides information services, including advisory and reference services for patrons, to meet information and reading needs of customers by providing basic research and answering reference questions, directing customers to specific library materials, making referrals to appropriate libraries or other external sources of information and, if possible, facilitating access to such sources.

As a Tutoring Program Intern at the Literacy Council, Ms. Singh would be coordinating with tutors to identify appropriate participants for other free Literacy Council services. In the event of a query from the public, she would inform about Literacy Council's different Programs. She would also identify organizations to partner with the Literacy Council.

Some of the students who seek English as a Second Language (ESL) services from Literacy Council are also MCPL patrons. Ms. Singh's work for the Literacy Council is administrative and does not include contact with students. Accordingly, she will have no direct interaction with any potential crossover clients. While the Literacy Council contracts with MCPL, Ms. Singh's role as a part-time Tutoring Program Intern is paid through foundation funds that are not from Montgomery County in general or MCPL specifically. Ms. Singh does not perform any procurement or contract administration in either her County job or her proposed outside employment with the Literacy Council.

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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 MCPL'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 Ms. Singh not making referrals as a County employee to the Literacy Council or soliciting other County employees to make such referrals.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Singh.

For the Commission:

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

Rahul Goel, Chair