



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

August 28, 2020

Waiver 20-08-010

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.

Suzanna Dickson is a Library Desk Assistant at the Wheaton Branch of the Montgomery County Public Library (MCPL). She would like to engage in outside employment as a Book Clerk with the Friends of the Library, Montgomery County (FOLMC), an entity which does business with MCPL.

In her role as a Library Desk Assistant, her primary responsibilities involve direct customer service at the Circulation Desk at the Wheaton Library. She processes new library cards, updates patron accounts, answers patron questions about circulation policies and public computer usage, and processes payments for various matters. When not stationed at the Circulation Desk, she is primarily responsible for checking in returned books and processing deliveries and holds. She also has been tasked with boxing up and dropping off donations and taking them to the Friends of the Library bookstore located on the Recreation Center side of the Wheaton Library and Recreation Center Library. She does not have any contract-related responsibilities in her official capacity, and she does not determine which books will be deaccessioned or donated to the FOLMC by MCPL.

For FOLMC, Ms. Dickson would process purchases, answer phones, assist customers with questions, place holds, and handle complaints. She would also process donations by sorting, pricing, shelving, weeding and displaying merchandise. In her proposed role with FOLMC, she would have no role in procurement of merchandise or making any sorts of decisions that would affect either MCPL or FOLMC.

Ms. Dickson's request for a waiver provides that she would work as a part time Book Clerk at FOLMC almost entirely at the Rockville FOLMC bookstore. She indicates that she could be called upon by FOLMC to also work at the Wheaton bookstore due to staffing shortages. In granting this waiver as provided below, the Ethics Commission is only waiving the outside

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employment prohibition for services Ms. Dickson will be providing to FOLMC at the Rockville location of FOLMC. The Commission is not granting the waiver for Ms. Dickson to work for FOLMC at the Wheaton Library and Recreation Center, and the waiver is conditioned on Ms. Dickson not working for FOLMC at that location.

Ms. Dickson does not perform any procurement or contract management in either her County job or her proposed outside employment with FOLMC.

It is possible, if not probable, that persons Ms. Dickson assists in her official capacity at the Wheaton Library will patronize the Rockville FOLMC store. However, Ms. Dickson's interactions with the public are limited in both scope and time in her roles with the County and FOLMC. If Ms. Dickson recognizes a crossover client, she commits to asking a colleague to assist the person. Additionally, she will request that her County supervisor request another employee to handle boxing and delivery of donations to FOLMC while she is employed by FOLMC. If her supervisor insists on having her box and deliver donations to FOLMC, Ms. Dickson must contact the Ethics Commission staff prior to performing these duties.

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 and the conditions that are imposed in connection with this waiver, 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. Dickson not making referrals as a County employee to FOLMC or soliciting other County employees to make such referrals.

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

For the Commission:

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

Rahul Goel, Chair