



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

January 21, 2021

Waiver 21-01-001

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.

Pedro Ispizua is a Correctional Officer II at the Division of Detention Services at the Montgomery County Department of Corrections (DOCR). He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed as a Security Officer at Adventist Healthcare Shady Grove (Adventist), an entity that has a contract with DOCR.

DOCR has a contract with Adventist for emergency room, inpatient and outpatient services of inmates and detainees. Mr. Ispizua's position at Adventist is completely unrelated to the treatment of inmates or detainees and is not funded by the DOCR contract with Adventist.

Mr. Ispizua's job at DOCR has no relationship with the department's contract with Adventist, and he will have no contract procurement responsibilities that relate to the DOCR contract with Adventist in his outside employment position.

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. Ispizua not making referrals as a County employee to Holy Cross or soliciting other County employees to make such referrals.

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This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

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

For the Commission:

A handwritten signature in cursive script that reads "Susan Beard".

Susan Beard, Chair