



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

January 21, 2021

Waiver 21-01-002

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.

Chidera Nwoke is a Correctional Health Nurse II in the Division of Detention Services at the Montgomery County Department of Correction and Rehabilitation (DOCR). She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she can be employed as a Registered Nurse II at Holy Cross Hospital (Holy Cross), an entity that contracts with DOCR.

DOCR has several contracts with Holy Cross for various services related to treating inmates. Ms. Nwoke's outside employment with Holy Cross is not funded by nor has any relationship to the contracts DOCR has with the hospital, and her employment with DOCR as a Correctional Health Nurse II has no relation to the contracts the County has 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 Ms. Nwoke not making referrals as a County employee to Holy Cross or soliciting other County employees to make such referrals.

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.

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

For the Commission:

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

Susan Beard, Chair