



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

April 2, 2021

Waiver 21-03-003

Pursuant to § 19A-12(b)(1)(A) of the Public Ethics Law, a public employee must not be employed by a business that is regulated by the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Rudolph Royer is an Environmental Health Specialist III at the Public Health Services Division (PHSD) at the Montgomery County Department of Health and Human Services (DHHS). He requests a waiver of the prohibition of § 19A-12(b)(1)(A) so that he can be employed as a sales associate at Home Depot, an entity that is regulated by DHHS-PHSD.

In Mr. Royer's role as an Environmental Health Specialist III, he performs inspections and investigations of public facilities, monitors for problems at public facilities that offer food for sale, and he investigates complaints of infestations or unclean facilities in his assigned inspections. At Home Depot, as a sales associate, he assists customers with purchases and stocks shelves when necessary. He does not prepare, handle, or sell any food in his role at Home Depot. Home Depot sells prepackaged foods like candy, crackers, gum, nuts and energy bars. It is inspected by PHSD, but is considered a low priority facility, because no food is prepared on site. To avoid any conflict of interest from working on County matters that could affect his outside employer, Mr. Royer's supervisor will not assign Mr. Royer to inspect any Home Depot facilities in Montgomery County.

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

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conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Mr. Royer not working on County matters affecting Home Depot, including engaging in any inspections of Home Depot for the County.

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 Ms. Royer.

For the Commission:



Susan Beard, Chair