



## MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard  
*Chair*

Bruce Romer  
*Vice Chair*

**April 22, 2021**

### **Waiver 21-04-005**

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 of the requirement.

Carlos Hickman is a Liquor Store Clerk I for the Montgomery County Alcohol and Beverage Service (ABS). He wishes to have outside employment at GrillMarx Steakhouse and Raw Bar (GrillMarx) in Clarksburg, Maryland. GrillMarx does business with and is regulated by ABS. Mr. Hickman requests a waiver of the prohibition of § 19A-12(b)(1)(A).

As a Liquor Store Clerk I, Mr. Hickman works at the Montrose location of the County-owned and -operated alcoholic beverages retail store, located in Rockville, MD. He stocks liquor, beer and wine; assists customers with all aspects of their purchases; handles money and cashier responsibilities; and occasionally assists with unloading truck deliveries to the store. He does not have any regulatory responsibilities in his County role.

As a server and bartender at GrillMarx, Mr. Hickman serves restaurant patrons food and drinks, provides customer service and ensures the guests have an enjoyable dining experience. He is not and will not be in charge of any alcohol purchases besides notifying the manager when inventory is low on alcoholic beverages.

GrillMarx is a restaurant located in Clarksburg, MD, which is roughly 20 miles away from the ABS retail store at which Mr. Hickman works for the County. GrillMarx generally places alcoholic beverage orders through the County's iStore online ordering tool and would only purchase from an ABS retail location on an emergency basis. There are two ABS retail locations close to the restaurant that would be utilized instead of the Montrose location where Mr. Hickman works for the County. Additionally, Mr. Hickman assures the Commission he will not make any purchases at any County retail stores on behalf of GrillMarx, either at the Montrose

location or any other locations, which will remove the potential for any conflict of interest related to that aspect of his two roles.

Mr. Hickman has no control over who patronizes the Montrose ABS retail location or GrillMarx; therefore, crossover clientele is a possibility. Mr. Hickman's only responsibility for either role is to provide excellent customer service. If any crossover occurs, there will be no impact on the services he provides the patrons in either of his roles.

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 concludes that Mr. Hickman's employment by GrillMarx is not likely to create a conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). This waiver is conditioned on Mr. Hickman not working as an ABS employee on any matter where GrillMarx is a party and, further, on Mr. Hickman's not making any communications on behalf of GrillMarx to ABS.

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. Hickman.

For the Commission:



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Susan Beard, Chair