



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

August 16, 2021

Waiver 21-08-012

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.

Jattu Navo is an Administrative Specialist II in the Office of Eligibility and Support Services (OESS) at the Children, Youth and Family Services (CYFS) Division at Montgomery County Department of Health and Human Services (DHHS). Ms. Navo would like to engage in outside employment as a direct support professional at ARC of Montgomery County (ARC), an entity which has contracts with DHHS.

In her capacity as an Administrative Specialist II with DHHS, she works with two programs: Working Parents Assistance (WPA) Program and The Connector Entity (CE) Program. She keeps track of the expenditures for County funded and grant purchase orders for both programs. She also prepares monthly expenditure and projection reports, updates the WPA Provider ACCESS data base, and calculates and prepares Request For Service (RFS) for Brokers and Temporary workers for both programs. At ARC, she would be a direct support professional in the Inclusive Living Services program. This would require her to provide support to individuals with intellectual disabilities in a group home setting.

ARC has five contracts with divisions at DHHS. No County funds will go to Ms. Navo's proposed salary at ARC. Furthermore, as an Administrative Specialist II, she is not in any position to affect the contracts between DHHS and ARC. And as a direct support professional for ARC, she will be posted in clients' homes, not at the main headquarters. Thus, she will not be in a position to affect the contracts between DHHS and ARC in her proposed outside employment.

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).

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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. Navo not making referrals as a County employee to ARC or soliciting other County employees to make such referrals. And, further, Ms. Navo has committed to have another employee at ARC assigned to provide services should any cross-over clients from her Division at DHHS need services at ARC.

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. Navo.

For the Commission:



Susan Beard, Chair