



## MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard  
*Chair*

Bruce Romer  
*Vice Chair*

**December 13, 2021**

### **Waiver 21-12-020**

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.

Angeline Bell is a Nurse Manager in the Public Health Services (PHS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Perinatal Instructor in the Family Services Division of Holy Cross Hospital (Holy Cross), an entity which has contracts with DHHS.

In her role as a Nurse Manager, Ms. Bell is the Program Manager for the Babies Born Healthy Program. She administers vaccines, prepares program reports, assigns cases to staff, conducts staff meetings, and collects and analyzes data. She works with Maryland Medicaid recipients and lower-income clients. She holds no contract monitoring or procurement responsibilities with any contracts DHHS has with Holy Cross.

As a Perinatal Instructor at Holy Cross, Ms. Bell will teach CPR, Safe Sitter, a dads class, a grandparents class, and other classes as needed. The population she would work with in her proposed role at Holy Cross are mainly persons with private insurance and higher incomes. She will have no contract monitoring, procurement or implementation in her proposed role at Holy Cross.

The risk of a population overlap between Ms. Bell's job at PHS-DHHS and her proposed role as a Perinatal Instructor at Holy Cross Hospital is minimal, as the groups she serves in each role are socioeconomically different. Further, as an instructor, her interaction with any overlap clients would be very limited. The classes are one- or two-hour, single sitting classes. There is very little interaction between the students and the instructors – instructors provide information and demonstrate skills and techniques while the students listen and watch, for the most part. Holy Cross has five contracts with DHHS-PHS which relate to cancer screening and prevention, providing meals to senior citizens, assistance to individuals with chronic medical conditions, and providing prenatal care to low income, uninsured women and their newborns. Ms. Bell's role

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as a Perinatal Instructor at Holy Cross is in no way funded by any of the contracts Holy Cross has with DHHS. While it is true that Ms. Bell's proposed outside employer contracts with DHHS, the contracts are not connected with her specific role as a Perinatal Instructor at 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. Bell 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. In reaching this decision, the Commission has relied upon the facts as presented by Ms. Bell.

For the Commission:



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Susan Beard, Chair