



## MONTGOMERY COUNTY ETHICS COMMISSION

**June 22, 2022**  
**Waiver 22-06-011**

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.

Kemeka Henry is a Government Assistance Eligibility Specialist III in the Office of Eligibility and Support Services of the Children Youth and Family Services (CYFS) Division at Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Contract Interpreter at the Montgomery County Bar Foundation Pro Bono Program (Bar Foundation), an entity which has a contract with DHHS.

### I. Relevant Facts

At DHHS, Ms. Henry works as a Government Assistance Eligibility Specialist III (GAES III) in the Office of Eligibility and Support Services of the Children Youth and Family Services. Her job responsibilities include overseeing the work done by Government Assistance Eligibility Specialists who process applications for benefits such as Medical Assistance. Ms. Henry's job tasks involve reviewing work for accuracy, assignment of work tasks, answering inquiries from other DHHS offices regarding Medical Assistance or assignment of customer inquiries to staff, contacting state agencies such as Maryland Dept. of Health, Maryland Dept. of Human Services for clarification on policy and procedures, and acting in place of the unit supervisor in their absence.

At the Bar Foundation, Ms. Henry provides Spanish and English translations, as well as interpretation services via phone for customers and attorneys during consultations. In Ms. Henry's role at DHHS and her proposed role at the Bar Foundation, she holds no contract monitoring or procurement responsibilities and is not involved in matters affecting the Bar Foundation contract with DHHS. The Bar Foundation receives grant monies from DHHS via the Office of Community Action, an office completely unrelated to the office for which Ms. Henry works at the County. Some of the funds received from the DHHS grant monies do go toward paying for Ms. Henry's contract position with the Bar Foundation. The Bar Foundation

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receives funding from other sources as well. The amount of money paid to Ms. Henry at the Bar Foundation that is from County funding is small.

II. How the waiver standard has been met

A waiver may be issued by the Ethics Commission upon a finding that an actual conflict of interest is unlikely. While Ms. Henry's outside employment with the Bar Foundation is paid in part with County funds, Ms. Henry has no authority to affect the contract between DHHS and her outside employer.

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. This waiver is also conditioned on Ms. Henry not making referrals as a County employee to the Bar Foundation 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. Henry.

For the Commission:



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Susan Beard, Chair