



MONTGOMERY COUNTY ETHICS COMMISSION

**Waiver 22-12-019
December 19, 2022**

Kamal Mayers is a Recreation Specialist at the Montgomery County Department of Recreation (REC). He would like to engage in outside employment as a basketball referee at the District of Columbia Approved Basketball Officials Associates (DCABOA), an entity that has a contract with REC.

The Montgomery County Public Ethics Law Section 19A-12(b)(1)(B) provides that, unless waived by the Ethics Commission, a County employee is prohibited from working for an entity that “negotiates or contracts with the County agency with which the public employee is affiliated.” Section 19A-8(b)(3) states that the Ethics Commission may grant a waiver of this prohibition if the Commission concludes that the outside employment will not be likely to create an actual conflict of interest. As the proposed outside employer contracts with REC, the outside employment is barred pursuant to 19A-12(b)(1)(B), absent the issuance of a waiver by the Ethics Commission under Section 19A-8(b)(3).

As a Recreation Specialist at REC, Mr. Mayers manages the daily operations of the Potomac Community Center. He processes rentals, sells memberships, and manages seasonal staff members. In addition, he programs different activities for 55+ seniors and youth that frequent the facility.

In his role as a basketball referee for DCABOA, Mr. Mayers referees high school games that DC Approved Basketball Officials assign to him as an independent contractor. Mr. Mayers will not act as a referee at any REC-sponsored games. Mr. Mayers does not perform any contract monitoring or execution as part of his job for REC. And he does not have contract roles with DCABOA. Additionally, his proposed job at DCABOA is not funded by the contract DCABOA has with REC.

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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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. Mayers.

For the Commission:

A handwritten signature in cursive script that reads "Susan Beard".

Susan Beard, Chair