



MONTGOMERY COUNTY ETHICS COMMISSION

February 21, 2023

Waiver 23-02-003

Pauline Wilson is a Community Services Aide II (“CSA II”) at the Behavioral Health and Crisis Services Division (BHCS) of the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Residential Monitoring Technician at Avery Road Combined Care (“Avery Road”), which is part of Maryland Treatment Centers, and provides services through contracts with DHHS.

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 Ms. Wilson’s proposed outside employer contracts with DHHS, the outside employment is barred pursuant to 19A-12(b)(1)(B), absent her obtaining a waiver from the Ethics Commission under Section 19A-8(b)(3).

A CSA II at BHCS is a grade 16 position. Ms. Wilson answers crisis phone calls and aids individuals and families in obtaining social and health services. She has no contract monitoring or procurement responsibilities in her County role.

In her role at Residential Monitoring Technician at Avery Road, she works as overnight staff from midnight to 8am, arriving after the residents are already in bed and therefore has limited interaction with residents. At Avery Road, she has no contract monitoring or procurement responsibilities.

The population Ms. Wilson serves in her role at the County and the population she would serve at Avery Road largely overlap. The two positions serve similar purposes but for different organizations. Her proposed role at Avery Road has no relationship with any of the contracts the County has with Maryland Treatment Centers and its Avery Road location. While the contracts that Maryland Treatment Centers has with DHHS involves hundreds of thousands of dollars, Ms. Wilson has no ability in either her County role or her proposed role with Avery Road to affect any of the contracts between the two entities. Her positions at both

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organizations are limited to providing staff social services and aid in assisting persons in finding appropriate care.

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. While Ms. Wilson's proposed outside role works with the same population as her County job, the outside employment is not connected to any contracts between the County Maryland Treatment Centers and its Avery Road location. In addition, neither the position that Ms. Wilson has with the County nor the position she would have at Avery Road involve such discretion that creates any likelihood of a misuse of prestige of County office in the good faith execution of either position. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

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. Wilson.

For the Commission:



Bruce Romer, Chair

