



MONTGOMERY COUNTY ETHICS COMMISSION

February 21, 2023

Waiver 23-02-004

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 Interfaith Works, an entity that has 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 Interfaith Works, Ms. Wilson would work as overnight staff and arrive after the residents are already in bed. Because of that, she would have limited interaction with them. She would have no contract monitoring or procurement responsibilities in her role with Interfaith Works.

The population served in her role at the County and the population Ms. Wilson would serve in her proposed role at Interfaith Works largely overlap. The two positions serve the same purpose but for different organizations. Her role with Interfaith Works is fully funded by a contract with the County. Ms. Wilson has no control over the contracts in either her DHHS job or her Interfaith Works job. The contracts that Interfaith Works has with DHHS involve substantial amounts, and Ms. Wilson’s small salary from Interfaith Works is a very small amount of the total money Interfaith Works receives from the DHHS.

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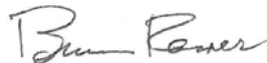
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A waiver may be issued by the Ethics Commission upon a finding of no likelihood of an actual conflict of interest. While Ms. Wilson's proposed outside role works with the same population as her County job and is fully funded by a contract between DHHS and Interfaith Works, Ms. Wilson has no ability to affect the contract in either of her positions.

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 and is even funded by County contracts with the Company, Ms. Wilson does not have any contract monitoring or procurement roles and neither the position that Ms. Wilson has with the County nor the position she would have at Interfaith Works involve such discretion that create 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