



MONTGOMERY COUNTY ETHICS COMMISSION

Waiver 23-04-007

April 17, 2023

Daniel Hill is a Community Services Aide III at the Children Youth and Family Services Division of the Montgomery County Department of Health and Human Services (DHHS). He would like to engage in outside employment as a Case Aide at Montgomery County Coalition for the Homeless (MCCH), 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 Mr. Hill’s proposed outside employer contracts with DHHS, the outside employment is barred pursuant to 19A-12(b)(1)(B), absent his obtaining a waiver from the Ethics Commission under Section 19A-8(b)(3).

As a Community Services Aide III at DHHS, Mr. Hill works with gangs and at-risk youth in the County. He does not handle any contracts with MCCH or any other entity. His job duties include interacting with gang members and interceding in appropriate situations. He works out of recreation centers, middle schools, and high schools, as well as the Montgomery County Detention Center with persons who are pending trial.

In his role as a case aide at MCCH, Mr. Hill’s responsibilities would involve assisting homeless adults, including watching over the clients, assisting clients’ day-to-day living needs, maintaining a healthy, secure environment, and assigning bed/living quarters to shelter residents.

Mr. Hill would not be performing any contract monitoring as part of his job for DHHS or MCCH. Additionally, his proposed job at MCCH is not funded by any of the contracts MCCH has with Montgomery County Department of Health and Human Services.

While it is very unlikely that he will encounter any crossover clients, if he were called upon at MCCH to provide services to such a person, he would seek assistance from other staff to ensure that the individual receives needed services. He would refrain from directly serving that

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individual but would provide support where necessary. Also, if he encounters a client in his County role who he dealt with in his outside capacity, he will pass that client to a colleague at DHHS.

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).

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. Hill.

For the Commission:



Bruce Romer, Chair