



## MONTGOMERY COUNTY ETHICS COMMISSION

**Waiver 23-05-011**

**May 18, 2023**

Rogger Valle Benites is a Client Assistance Specialist at the Services to End and Prevent Homelessness (SEPH) Section of the Montgomery County Department of Health and Human Services (DHHS). He would like to engage in outside employment as a Career Counselor at Career Catchers, an entity that 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. Benites’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).

At DHHS, Mr. Benites focuses on COVID Rent Relief applications. He processes applications and makes referrals to emergency services for ineligible households facing eviction.

In his proposed role as a Career Counselor at Career Catchers, he would assist individuals in finding employment, to include helping resume development, job searching, job application, interview preparation and job retention. He does not perform any contract monitoring as part of his job for DHHS or Career Catchers. Additionally, his proposed job at Career Catchers is not funded by any of the contracts Career Catchers has with Montgomery County Department of Health and Human Services.

Occasionally, some of clients at Career Catchers could be part of the rapid rehousing program run through DHHS. However, Mr. Benites’s role at Career Catchers is not part of that program and is not funded by it. Mr. Benites has committed to avoid working with crossover clients who seek services from both DHHS and Career Catchers; in such cases, Mr. Benites will ask his Career Catcher supervisor to give that case to a different career counselor and, at DHHS, he will ask his supervisor to assign a different Client Assistance Specialist.

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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. Benites.

For the Commission:



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Bruce Romer, Chair