



MONTGOMERY COUNTY ETHICS COMMISSION

May 14, 2025
Waiver 25-05-004

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Kelly Mullendore is the Administrative Services Battalion Chief at the Montgomery County Fire and Rescue Service (MCFRS). She would like to engage in outside employment as a Promotional Exam Development Contractor at Industrial/Organizational Solutions (“I/O Solutions”), an entity that contracts with MCFRS.

As the Administrative Services Battalion Chief, B/C Mullendore manages the disciplinary process for all paid employees of MCFRS (uniformed firefighters and non-uniformed employees) as well as coordinating the discipline process for all serious violations committed by volunteer firefighters when an internal affairs investigation is warranted. Additionally, in her current role at MCFRS, she has no direct subordinates.

In her proposed role as a Promotional Exam Development Contractor with I/O Solutions, she would create test scenarios as an exam content creator for an out of state fire department. Specifically, she will be creating test questions related to the Engineer exam for a jurisdiction in Florida. The Engineer designation is similar to the Montgomery County designation of Master Firefighter. B/C Mullendore would not be tasked with designing tests to be administered to any Fire and Rescue personnel within the state of Maryland. Furthermore, the tests designed and administered for MCFRS by I/O Solutions culminate with the Battalion Chief exam, which B/C Mullendore has already successfully taken; thus, she would not be at an unfair advantage over other test takers in MCFRS under the current command structure.

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).

The Commission notes that while 19A-12(b)’s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting an employee from working on official matters

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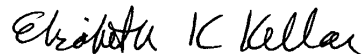
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relating to the outside employer. The approval of this waiver is limited to the current Engineer exam to be administered in Florida, and it is conditioned on the facts upon which the waiver is based remaining unchanged. The Ethics Commission, in approving this waiver request, has not contemplated any other types of tests for any other jurisdictions besides this specific instance. Should B/C Mullendore wish to continue in this exam creation role with I/O Solutions in the future, involving other exams for different jurisdictions, she is required to seek a new and broader waiver from the Commission.

The waiver is also conditioned on B/C Mullendore not making referrals as a County employee to I/O Solutions and remaining uninvolved in any future contract discussions between MCFRS and I/O Solutions.

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 B/C Mullendore.

For the Commission:



Elizabeth Kellar, Chair