



MONTGOMERY COUNTY ETHICS COMMISSION

May 14, 2025
Waiver 25-05-006

The Montgomery County Department of Correction and Rehabilitation (DOCR) Director, Ben Stevenson, has requested a waiver of the ethics prohibitions contained within Section 19A-14 of the Montgomery County Public Ethics Law, which pertains to misuse of prestige of office for the gain of another. Mr. Stevenson has asked the Ethics Commission to allow DOCR to engage in medical collaboration with Friends Research Institute (“FRI”) on a research study entitled “NOTRE: Optimizing Long-Acting Pre-Exposure Prophylaxis and Medications for Opioid Use Disorder Interventions in Carceral Settings” (hereinafter referred to as “Study”).

Montgomery County Code Section 19A-14 states “(a) Unless expressly authorized by regulation or as may be permitted under Section 19A-16, a public employee must not intentionally use the prestige of office for private gain or the gain of another. Performing usual and customary constituent services, without additional compensation, is not prohibited by this subsection. (b) Unless expressly authorized by the Chief Administrative Officer (CAO), a person must not use an official County or agency title or insignia in connection with any private enterprise.”

Additionally, the Ethics Commission regulations further discuss endorsements:

COMCOR 19A.14.01 Additional Guidance Concerning Misuse of Prestige of Office; Improper Influence. 19A.14.01.02 Policies

2.2 Endorsements...A public employee must not use or permit the use of any authority associated with public office in a manner that could reasonably be construed to imply that the employee’s agency or the County sanctions or endorses the employee’s personal activities or those of another.

The Commission added an exception to this restriction when the endorsement will support the agency’s mission in 2.2(b), which states:

An employee must not use or permit the use of his or her Government position or title or any authority associated with his or her public office to endorse any product, service or enterprise except: . . . (b) As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the agency’s mission.

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100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670 FAX: 240.777.6672

According to the waiver request, the proposed study will be a collaborative effort between DOCR and FRI. The collaboration will consist of interviews by FRI of DOCR healthcare employees during regular assigned duty hours with the goal of developing a new intervention protocol for delivery of long-acting injectable pre-exposure prophylaxis and extended-release buprenorphine in incarcerated persons receiving treatment for existing opioid addiction issues. The goal of the study is to improve outcomes, reduce cost and enhance community safety by hopefully reducing continued addiction once incarceration has ended for treated individuals. No incarcerated individuals will participate in the interviews for the study.

Employees of DOCR have the option to participate in this voluntary collaboration with FRI, and they will not receive any monetary payment for such participation. Nor will the department be compensated for making employees available to FRI for the study. However, the employees will gain public health management skills through this collaboration. The County will gain through participation insofar as the study's goal is in alignment with the County's public health goals of long-term addiction treatment and reduction. And the public, generally, will gain through added data to be used in analysis and treatment of this and similar public health issues related to addiction treatment.

The County CAO has concurred with this request for a waiver. Pursuant to Mont. Co. Code. Sec. 19A-8, the Ethics Commission may grant a waiver of the prohibition of the public ethics law if it finds that:

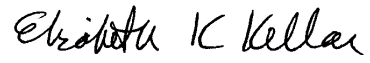
- (1) the best interests of the County would be served by granting the waiver; (2) the importance to the County of a public employee or class of employees performing official duties outweighs the actual or potential harm of any conflict of interest; and
- (3) granting the waiver will not give a public employee or class of employees an unfair economic advantage over other public employees or members of the public.

Upon review of the request and the concurrence of the CAO, the Ethics Commission concludes that the restrictions on use of government office, title and time for the gain of another, as well as the prohibition against endorsements, in 19A-14 should be waived in connection with the public-private partnership between DOCR and FRI to facilitate the participation of County employees in the study during regularly assigned duty hours.

The Ethics Commission acknowledges the DOCR department director and the CAO's support for the waiver, and that the waiver will further enhance the County's standing in the broader community as a partner in the fight to reduce addiction and its associated societal issues and personal comorbidities. Additionally, the Ethics Commission does not believe there is the potential for any County employees to unfairly gain an economic advantage over other employees or the public generally through the issuance of this waiver since DOCR employees will not be receiving any financial compensation for their voluntary participation in the study.

The waiver is issued in accordance with 19A-8(a) to the class of DOCR healthcare employees who voluntarily choose to participate in the study. The waiver is limited to the proposed study, and it does not extend to any other collaborations between FRI and the County.

For the Commission:

A handwritten signature in black ink, appearing to read "Elizabeth Kellar". The signature is written in a cursive, flowing style.

Elizabeth Kellar, Chair