



## MONTGOMERY COUNTY ETHICS COMMISSION

**November 19, 2025**

**Waiver 25-11-017**

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.

Gontran Archer is a Therapist II at the Behavioral Health and Crisis Services (BHCS) Division at the Montgomery County Department of Health and Human Services (DHHS). He would like to engage in outside employment as a Needs Assessment Clinician at Adventist Healthcare – White Oak Medical Center (Adventist), an entity that has three contracts with DHHS.

As a Therapist II with BHCS, Mr. Archer provides full crisis assessments and treatment referrals for walk-in clients, completes school referrals, addresses the needs of the homeless, and those of domestic violence victims. He also works as part of the Mobile Crisis Team (MCT) and provides emergency crisis evaluations for individuals who are experiencing a mental health crisis in the community on an as needed basis and serve on a 24/7 basis.

In his proposed outside employment at Adventist, he would work in the Emergency Room Needs Assessment Department as a Needs Assessment Clinician. He will conduct face-to-face evaluation and assessment for patients of various age groups presenting in the emergency room setting. Additionally, he will facilitate hospital-to-hospital transfers by reviewing clinical data and demographic information, obtain insurance pre-authorizations for patients participating in private and state funded insurance programs as well as government and military services and Medicare. And he would respond to telephone inquiries requesting behavioral health services and information, triaging those calls to the appropriate clinical resource in order to facilitate a safe transition to emergency services.

Mr. Archer would have no contract monitoring, procurement or execution responsibilities in his role with Adventist, and he has no contract monitoring responsibilities in his official capacity with DHHS either.

Adventist contracts with DHHS but Mr. Archer's role as a Needs Assessment Clinician with Adventist is not funded by any County contracts with Adventist.

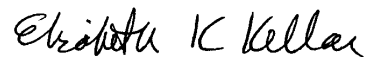
Mr. Archer acknowledges that there is a possibility of crossover clients in either of his roles in emergency situations, but he also agrees that he will hand off any such crossover cases once the emergency has subsided and it is safe to do so.

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 reviewing 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 relating to the outside employer. The approval of this waiver is conditioned on the facts upon which the waiver is based remaining unchanged. It is also conditioned on Mr. Archer not making referrals as a County employee to Adventist. He will pass any DHHS clients needing such a referral to a colleague at DHHS.

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. Archer.

For the Commission:



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Elizabeth Kellar, Chair