



MONTGOMERY COUNTY ETHICS COMMISSION

March 11, 2026
Waiver 26-03-007

The Montgomery County Department of Health and Human Services (DHHS), through Child Welfare Services (CWS) Administrator, Lisa Merkin, 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. Ms. Merkin has asked the Ethics Commission to allow DHHS to engage in a collaborative evaluation project with the University of Maryland, Universities at Shady Grove (USG) on an evaluation of the Student Intern Fellowship Stipend Program (“the program”).

The program, launched in August 2023, provides tuition stipends and specialized training for Masters in Social Work (MSW) students who commit to working for CWS for one- or two-year periods after graduation, depending on the length of the stipend awarded to the student. The first group of program participants graduated from USG in Spring 2025 and have become full-time employees of CWS. There is a critical nationwide shortage of child welfare workers, and at CWS, vacancy rates as high as 40% are not uncommon, resulting in extreme caseloads, burnout and overall job dissatisfaction. Because of these factors, the County has difficulty retaining qualified personnel to work with the most vulnerable children in Montgomery County.

To incentivize more people to work for CWS, the agency partnered with USG in implementing the program. Now that the first round of participants has been working for CWS for roughly a year, the County and its USG counterparts would like to survey the program graduates to gauge the success of the program. The County wants this information to justify continuing to spend taxpayer money on the program, while USG wants this information in the hopes of expanding the program beyond the partnership with Montgomery County. And for that reason, CWS seeks a waiver from the Ethics Commission to allow USG to use the survey results as leverage in developing similar partnerships with other entities through the University of Maryland School of Social Work.

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.

Additionally, the Ethics Commission regulations further discuss endorsements:

MONTGOMERY COUNTY ETHICS COMMISSION

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

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.

According to the waiver request, the proposed study will be a collaborative effort between CWS and USG. The collaboration will consist of a focus group survey conducted by CWS and USG, and the participants will be graduates of the program who are now full-time CWS employees. The goal of the study is to determine participant outcomes and program impact. Survey participants will be asked to assess the effectiveness of the program in preparing students to enter public child welfare services and address the workforce shortage at CWS in Montgomery County, Maryland.

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.

Graduates of the program who are now employed by CWS will be invited by email to participate in the survey but are not required to do so. The participants will be de-identified and survey responses will be aggregated around themes. Study participants will not be further compensated for responding to the survey. The County will benefit from the survey by gaining metrics around the effectiveness of this novel approach to reducing the shortfall of highly trained workers in an area of critical need. The public, generally, will gain from the survey through closer examination of the effectiveness of government expenditure for this program. And by permitting USG to use the results of the survey as a catalyst for replicating this partnership with other entities, the public

- both in Montgomery County and beyond – will hopefully benefit through an increase in highly trained and qualified public child welfare workers.

Upon review of the request and the concurrence of the department leadership, the Ethics Commission concludes that the restrictions on use of government property and time for the gain of another in 19A-14 should be waived in connection with the public-private partnership between CWS and USG to facilitate the participation of County employees in the survey and allow USG to utilize the survey results in an effort to expand this program to other potential partners beyond Montgomery County Government. The Public Ethics Law reserves the authorization for use of County insignias and agency titles to the Chief Administrative Officer. The department did not submit a concurrence from the CAO with the waiver request packet; thus, the Ethics Commission is not in a position to waive the restriction against such use of the county insignias and agency titles in USG's further application of the survey results.

The Ethics Commission acknowledges the DHHS department director's support for the waiver, and that the waiver will enhance the County's position as a leader in the mission to reduce the critical shortage of child welfare workers. 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 CWS employees will not be receiving any financial compensation for their voluntary participation in the survey.

The waiver is issued in accordance with 19A-8(a) to the class of DHHS child welfare workers who participated in the program and who now voluntarily choose to participate in the survey, as well as to CWS generally to share the information gained from the survey with USG. The waiver is limited to the proposed survey and its findings, and it does not extend to any other collaborations between USG and the County.

For the Commission:



Elizabeth Kellar, Chair