



MONTGOMERY COUNTY ETHICS COMMISSION

Waiver 24-03-001

March 8, 2024

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.

Evelyn Okutu is a volunteer member of the Montgomery County Community Action Board (CAB), a board affiliated with the Montgomery County Department of Health and Human Services (DHHS). Ms. Okutu would like to engage in outside employment as a Senior Quality Assurance Manager with Catholic Charities. Catholic Charities is an entity which has many contracts with Montgomery County Government, a few of which are directly with DHHS and reviewed by the CAB on an occasional basis.

The CAB advocates for issues impacting lower-income County residents and is the governing body for the Community Action Agency (CAA), which is also affiliated with DHHS. The CAA promotes social and economic mobility among communities and neighbors through services, partnerships, and advocacy. Among other things, the CAA monitors nonprofit organization contracts and grant agreements assigned to it. The CAA monitors roughly fifty County contracts with various nonprofit organizations. The CAB has no control over grants or selection of contracting partners; the CAB provides oversight of the CAA and receives written and verbal reports monthly. Aside from making recommendations to improve contract execution, the CAB has little to no control over the contracts and grants administered by the CAA. Catholic Charities has contracts with the County, some of which have been assigned to the CAA for monitoring.

Ms. Okutu has been a member of the CAB since being appointed in November 2022. Recently, she applied for a publicly announced position with Catholic Charities and was selected in a competitive hiring process. Her role on the CAB is in no way funded by the contracts Catholic Charities has with DHHS that are monitored by the CAA. To lessen the chance of any intersection between her private and public roles, Ms. Okutu assures that she will recuse herself from any discussions related to contracts and/or grants between the CAA and Catholic Charities. Since being on the CAB, she has had no interaction with any such contracts or grants between the County and Catholic Charities.

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 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

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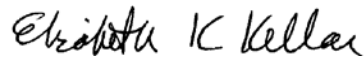
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there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

The Commission notes that while 19A-12(b)'s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting a public employee from working on official matters relating to the outside employer. The approval of this waiver is conditioned on the facts on which the waiver is based remaining unchanged. This waiver is also conditioned on Ms. Okutu not making referrals as a public employee to Catholic Charities or soliciting other public employees to make such referrals.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Okutu.

For the Commission:



Elizabeth Kellar, Chair