



MONTGOMERY COUNTY ETHICS COMMISSION

June 27, 2024

Waiver 24-06-004

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.

Gowry Dinesh is a Community Health Nurse II with the Public Health Services (PHS) Division of the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Clinical Nurse with Holy Cross Hospital (Holy Cross), an entity that has contracts with DHHS.

As a Community Health Nurse II with PHS, Ms. Dinesh is one of the case managers. She investigates cases as assigned, interviews patients, and ultimately sends reports to the Maryland Department of Health epidemiologist.

In her proposed role as a Clinical Nurse at Holy Cross, she would be monitoring patients, administering medications as ordered, and documenting the patients after surgery for a few hours before transferring them to another floor.

She would have no contract monitoring, procurement or execution responsibilities in her role with Holy Cross, and she has no contract monitoring responsibilities in her official capacity with DHHS either.

Holy Cross contracts with DHHS but Ms. Dinesh's role as a Clinical Nurse with Holy Cross is not funded by any County contracts with Holy Cross.

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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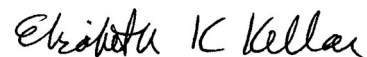
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relating to the outside employer. The approval of this waiver is conditioned on the facts upon which the waiver is based remaining unchanged. It is also conditioned on Ms. Dinesh not making referrals as a County employee to Holy Cross. She will pass 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 Ms. Dinesh.

For the Commission:



Elizabeth Kellar, Chair