



## MONTGOMERY COUNTY ETHICS COMMISSION

**December 12, 2024**

**Waiver 24-12-015**

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.

Andrew Hartman is a Firefighter/Rescuer III at the Montgomery County Fire and Rescue Services (MCFRS). He would like to engage in outside employment as a Hydro/Hose Technician at The Fire Store, an entity owned by Witmer Public Safety (Witmer). Witmer acts as a fire hose supplier with MCFRS. Witmer fulfills a contract MCFRS has with Mercedes Textiles, and in an abundance of caution, Mr. Hartman is requesting a waiver of the ethics prohibitions so as not to run afoul of any prohibitions contained within the Public Ethics Law.

As a Firefighter/Rescuer III at MCFRS, Mr. Hartman provides fire protection along with emergency medical services to the residence of Montgomery County.

In his proposed role at The Fire Store, he would be assisting with the service department in receiving and shipping goods in the Abbottstown, PA, service location. He has no contract monitoring or procurement responsibilities in his position with MCFRS or his proposed role with The Fire Store/Witmer.

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 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. Hartman not making referrals as a County employee to The Fire Store.

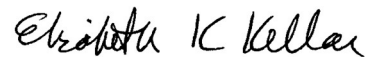
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This waiver expires when the outside employment approval with which it is associated expires unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission. In reaching this decision, the Commission has relied upon the facts as presented by Mr. Hartman.

For the Commission:



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Elizabeth Kellar, Chair