



THE PRINCE GEORGE'S COUNTY GOVERNMENT
BOARD OF ETHICS

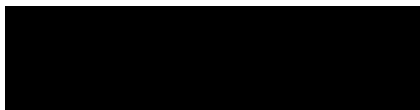
Rushern L. Baker
 County Executive

Robin Barnes-Shell
 Executive Director

The Honorable Covette Rooney, Chair
 Cassandra Burckhalter, Member
 Anne Magner, Esq., Member
 Addie Martin, Member
 Norris Sydnor, Member

September 12, 2014

BOARD ADVISORY OPINION



RE: Case Number 15-0015

Dear [REDACTED]:

The Board of Ethics (the "Board") has reviewed a request from a former employee for advice and permission to continue employment with a nonprofit charity (the "Organization") based in Washington, DC, which invests in nonprofit organizations that serve developmental, learning, and educational needs of children from low-income families in the Washington metropolitan area.¹

The following information was offered in support of the request:

From September 2011 to March 2014, the employee served as an analyst in the Office of the County Executive, conducting data analysis, strategy consulting, and policy research on behalf of the Chief Administrative Officer ("CAO") in an effort to improve the efficiency and effectiveness of County services.² As part of his work with CountyStat, the employee was assigned to work with various County agencies and on cross-subject areas and programs. One

¹ The County's Ethics Laws restrict post-County employment in a number of ways. Before departing government service for the private sector, the Board of Ethics cautions employees to seek advice as to whether their prospective new role may create a conflict of interest with their service to the County. Advice rendered after the fact may not be effectively received.

² The employee's official classification title with the County was that of Administrative Assistance.

such program the employee worked on was the Transforming Neighborhoods Initiative (“TNI”).³ In July 2012, the employee was tasked with developing a research report to determine which TNI community might be best suited to pilot a youth development program operated by the Organization that now employs him. The County’s report was published in September 2012 and was positively received by various stakeholders in the County government as well as the Organization, which agreed to join in the venture to implement their youth development program in the County. The long-term goals of the joint venture included identifying the right TNI community in possession of certain criteria and the development of a cadre of items ranging from services, expenses, and schedules, for the eventual implementation of the youth development program.

As a County employee, the former employee’s responsibilities in connection with the joint venture were as follows:

1. Assisted senior-level County officials in managing the joint venture;
2. Articulated the County’s interests and position on matters related to the venture; and
3. Guided decision-making on key steps regarding the development of the venture.

In June 2013, work on the joint venture with the County came to a temporary halt due to several factors, including changes in personnel at the Organization. In August 2013, the former employee was solicited by the Organization for the position of Director of the youth development program. However, the Organization did not hire the former employee until February 3, 2014, after he accepted the Organization’s January 27, 2014, offer of employment. The position of Director involves the following duties and responsibilities:

1. Scaling up each nonprofit’s direct service programming innovation to reach the desired number of young adults the Organization’s funding source requires;
2. Building a more coordinated and collaborative group of high-performing nonprofit youth development practitioners, whose program outcomes are aligned around a shared framework for communicating population-level impact; and
3. Implementing a joint venture which integrates the services of several nonprofits at a single site.

According to the former employee’s request, he was unaware that at the time he was seeking employment with the Organization, the County and the Organization had revived and commenced work on the joint venture in the Fall of 2013. Subsequent to this discovery and during the pendency of his employment application with the Organization, the former employee notified County officials and did not participate in any further discussion with the Organization regarding the joint venture with the County.

³ The Transforming Neighborhoods Initiative (TNI) is an effort by the County to focus on uplifting six neighborhoods in the County that face significant economic, health, public safety and educational challenges. Through this initiative, the County seeks to improve the quality of life in those neighborhoods, while identifying ways to improve service delivery throughout the County for all residents. *See* <http://www.princegeorgescountymd.gov/sites/ExecutiveBranch/CommunityEngagement/TransformingNeighborhoods/Pages/default.aspx>.

The Code limits and restricts post-employment in two ways. Section 2-293(b)(2)(A) states that except for former members of the County Council, a former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which he significantly participated as an official or employee. The Section goes on to further state that until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the County Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.⁴ For purposes of this Opinion, we are concerned with the post-employment restrictions placed on non-elected or appointed officials, and employees.

Based on the information the former employee provided, it appears that he did not have significant participation in the joint venture between the County and the Organization because he did not exercise administrative or operating authority to approve, disapprove, recommend, or otherwise decide government action with respect to the matter. Although he was tasked to develop a report, the report was a byproduct of TNI policy, and not the creation of policy. It served to educate and inform decision-makers as oppose to influencing them. As an analyst, the former employee was part of a team pulled together to collect and report on data in order to better improve service delivery and analyze performance in relationship to the budget.

Accordingly, the Board concludes that the former employee's participation in the joint venture though important, does not rise to the level of "significant participation" as contemplated in the Code. It appears, after consulting with the former employee's departmental supervisors, that his post-employment will not adversely affect the County. Therefore, the Board advises that the former employee may continue employment with an entity that did business with the County while he was a County employee, so long as he does not disclose confidential and non-public information obtained during the course of his employment with the County.

Sincerely,

/s/Covette Rooney
Covette Rooney
Board Chair

⁴ See Prince George's County Code § 2-293(b)(2)(B).