

# County Human Services Conflicts of Interest<sup>1</sup>

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## Special Conflict of Interest Prohibitions applicable to LME Board Members

### § 122C-118.1. Structure of area board.

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(b) . . . Except as provided in subdivisions (12) and (13) of this subsection, an individual that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve on the board of the LME for the period during which the contract for services is in effect. No person registered as a lobbyist under Chapter 120C of the General Statutes shall be appointed to or serve on an area authority board. Of the members described in subdivisions (2) through (4) of this subsection, the boards of county commissioners shall ensure there is at least one member representing the interest of each of the following: (i) individuals with mental illness, (ii) individuals with intellectual or other developmental disabilities, and (iii) individuals in recovery from addiction.

## Special Conflict of Interest Prohibitions applicable to County DSS Board Members and DSS employees

### § 108A-65. Conflict of interest.

(a) It shall be unlawful for any person who is or has been an officer or employee of State or county government, and as such is or has been responsible for the expenditure of substantial amounts of federal, State or county money under the State medical assistance plan, or any person who is the partner of the present or former officer or employee, to engage in any of the following activities relating to the State medical assistance program:

- (1) Knowingly to act as agent or attorney for, or otherwise knowingly to represent, any person other than the United States, the State or a county, in any formal or informal appearance before, or with the intent to influence, make any oral or written communication on behalf of any other person other than the United States, the State or a county to:

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<sup>1</sup> These prohibitions are in addition to the ones found in GS 14-234, GS 14-234.1, and GS 133-32.

- a. Any department, agency, court, board, commission, legislature or committee of the United States, the State or a county, or any officer or employee thereof,
  - b. In connection with any of the following matters in which the United States, the State, or a county is a party or has a direct and substantial interest, such as any judicial or other proceeding, legislation, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties,
  - c. In which he participated personally and substantially as an officer or an employee through decision, approval, recommendation, the rendering of advice, investigation or otherwise.
- (2) Within two years after his employment has ceased, knowingly to act as agent or attorney for, or otherwise knowingly to represent, any other person other than the United States, the State or a county, in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person other than the United States, the State or a county to:
- a. Any department, agency, court, board, commission, legislature or committee of the United States, the State, or a county, or any officer or employee thereof,
  - b. In connection with any of the following matters in which the United States, the State, or a county is a party or has a direct and substantial interest, such as, any judicial or other proceeding, legislation, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties,
  - c. Which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of responsibility.
- (3) Within two years after his employment has ceased, knowingly to aid, counsel, advise, consult or by personal presence represent any other person other than the United States, the State or a county in any formal or informal appearance before:
- a. Any department, agency, court, board, commission, legislature or committee of the United States, the State, or the county, or any officer or employee thereof,

- b. In connection with any of the following matters in which the United States, the State, or a county is a party or has a direct and substantial interest, such as, any judicial or other proceeding, legislation, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties,
  - c. Which was actually pending under his official responsibility as an officer or employee within the period of one year prior to the termination of such responsibility.
- (4) To participate personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, rendering of advice, investigation or otherwise, in a judicial or other proceeding legislation, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as an officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.
- (b) Violation of this statute is a Class 1 misdemeanor.
  - (c) The Department of Health and Human Services shall annually identify and designate by rule or regulation those positions which are filled by State or county officers or employees who are responsible for the expenditure of substantial amounts of moneys under the State medical assistance plan. (1981, c. 679, s. 1; 1993, c. 539, s. 818; 1994, Ex. Sess., c. 24, s. 14(c); 1997-443, s. 11A.118(a).)

### FAQ's from SOG Social Services Website

<https://www.sog.unc.edu/resources/faq-collections/social-services-boards-frequently-asked-questions>

### **Are county social services board members prohibited from engaging in political activities, contributing to or being involved in political campaigns, endorsing candidates, or running for political office?**

No. Although federal and state laws limit the political activities of county social services employees, these laws do not apply to county social services board members who are not employees of the county social services department.

**May an owner or employee of a child day care center that receives subsidized child day care payments from the county social services department be appointed to and serve on the county social services board?**

Yes. It is not an unlawful conflict of interest for a county social services board member to accept payment for goods, services, or assistance that he or she provides to needy individuals or families under a federal or state public assistance or social services program *if* the program is open to general participation on a nondiscriminatory basis by other providers or suppliers in the same profession or occupation, the social services board, director, and employees have no control over which provider or supplier of goods, services, or assistance is selected by the needy individuals or families, the board member receives the same payment for the goods, services, or assistance as other providers of the same goods, services, or assistance, and the board member does not take any part in approving payment for the goods, services, or assistance that he or she provides. Nor is it an unlawful conflict of interest for a county social services board member to accept payment for goods, services or assistance that he or she provides to, or on behalf of, the county social services department as long as the county social services board is not involved in making or administering the contract under which the payment is made and the board member does not use or attempt to use his or her public office to influence the making or administration of a contract from which he or she or his or her spouse will derive a direct benefit.

**May a person be appointed to the county social services board if a member of his or her family is an employee of the county social services department?**

Yes. State law does not disqualify a person from being appointed to the county social services board because a member of his or her family is an employee of the county social services department.